

भारत सरकार  
GOVERNMENT OF INDIA



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भाग I  
Part I

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केन्द्र-शासित प्रदेश लद्दाख प्रशासन  
ADMINISTRATION OF UNION TERRITORY OF LADAKH

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Home Department  
UT Secretariat, Ladakh

Ladakh, 6<sup>th</sup> October, 2021

Order: 42- Home of 2021.

Dated: 04 -10-2021

In order to ensure that the principles governing the administration and management of prisons in the Union territory of Ladakh are in conformity with the principles/guidelines of the Model Prison Manual 2016, prepared by the Ministry of Home Affairs, the Administration of Union territory of Ladakh hereby adopts the "Ladakh Prison Manual, 2021". The said order shall come into force from the date of its publication in the Official Gazette of Union territory of Ladakh.

## **CHAPTER I** **DEFINITIONS**

### **Unless a different intention appears from the subject or context:-**

#### **1.01: Act**

“Act” means The Prisons Act, 1894 (Central Act IX of 1894).

#### **1.02 Adult Prisoner**

Any Prisoner who is more than 21 years of age.

#### **1.03 Casual Prisoner**

A prisoner other than a habitual offender.

#### **1.04 Civil Prisoner**

Any prisoner who is not a criminal prisoner.

#### **1.05 Competent Authority**

Any officer or authority having jurisdiction and due legal authority to deal with a particular matter in question.

#### **1.06 Convict**

Any prisoner under sentence of a court exercising criminal jurisdiction or court martial and includes a person detained in prison under the provisions of chapter VIII of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) and the Prisoners Act, 1900 (Central Act 3 of 1900).

#### **1.07 Correctional Administration**

The Administration of services aimed at the reformation and rehabilitation of the offenders.

#### **1.08 Correctional Personnel**

Personnel engaged for correctional purposes in the Prison Department.

#### **1.09 Detenu**

Any person detained in Prison on the orders of the Competent Authority under the Public Safety Act, 1978 or other preventive laws in force.

#### **1.10 HoPD**

An officer designated as such by the Administration of Union Territory of Ladakh.

#### **1.11 Administration**

Administration means the Administration of Union Territory of Ladakh.

#### **1.12 Geriatric Prisoner**

A prisoner who is 60 years of age or above and medically unable to manage his/her daily affairs independently without assistance.

#### **1.13 Habitual offender or Habitual Criminal means-**

- i. Any person convicted of an offence whose previous conviction under Chapter XII, XVI, XVII of the Indian Penal Code, 1860 taken by themselves or with the facts of the present case show that habitually commits an offence punishable under any or all of the previous mentioned chapters:
- ii. Any person committed to or detained in Prison under section 22 (read with section 110) of the Code of Criminal Procedure 1973:
- iii. Any person convicted of any of the Offences specified in (i) above when it appears from the facts of the case even although no previous conviction has been proved that he is by habit a member of a gang of dacoits, or of thieves or a dealer in stolen property.
- iv. Any person convicted by a Court or Tribunal acting outside India, of an Offence which would have rendered him liable to be classified as a Habitual Criminal, if he had been convicted in a court established in India.

Explanation: For the purpose of this definition the word “Conviction” shall include an order made under Section 117, read with Section 110, of the Criminal Procedure Code, 1973.

**1.14 High-risk offender**

A prisoner with high propensity towards violence, escape, self-harm, disorderly behaviour, and likely to create unrest in the Prison and threat to public order. Also includes persons intermittently suffering from suicidal tendencies and persons with substance-related and addictive disorders suffering from intermittent violent behaviour.

**1.15 History Ticket**

The Ticket exhibiting such information as is required in respect of each prisoner by the Prisons Act or the rules there under.

**1.16 Imprisonment**

As defined in the Indian Penal Code, 1860.

**1.17 Inmate**

Any person lawfully kept in an Institution.

**1.18 Institution**

A place where prisoners are lawfully confined.

**1.19 Jailer**

Deputy Superintendent or any other officer who may be authorised to discharge the duties of Deputy Superintendent as such.

**1.20 Life**

Means the life of human being unless the contrary appears from the context (Section 45 of IPC).

**1.21 Magistrate**

Any person exercising all or any of the powers of a magistrate under the code of Criminal Procedure, 1973.

**1.22 Military prisoner**

A prisoner convicted by court martial.

**1.23 Offence**

Any act or omission made punishable by any law for the time being in force.

**1.24 Open Prison, Semi Open Prison and Open Colonies**

Any place declared as such for the detention of Prisoner under any act or rules for the time being in force.

**1.25 Prescribed**

As prescribed by rules.

**1.26 Prison/Jail**

Any place used permanently or temporarily under the general or special orders for the detention of the prisoners under section 417 of the Code of Criminal Procedure, 1973 and includes all land and buildings thereto but does not include:

- (i) Any place for the confinement of prisoners who are exclusively in the custody of the police;
- (ii) Any place specially appointed under section 541 of the Code of Criminal Procedure, 1882.

**1.27 Prisoner**

Any person confined in Prison under the order of a competent authority.

**1.28 Probation officer**

An officer appointed as such to undertake probation work under the Probation of Offenders Act of 1958 or any other law.

**1.29 Prohibited article**

An article which is prohibited and declared as such under the Prisons Act, 1894 or rules made there under.

**1.30 Remand prisoner**

A person who has been remanded by court to prison custody, pending investigation by the police.

**1.31 Remission system**

The rules for the time being in force for regulating the shortening of sentence of prisoners.

**1.32 Senior Medical Officer**

In relation to prison, this is a Gazetted officer of the Administration and includes qualified medical practitioners declared by general or special orders of the Administration to be a Medical Officer.

**1.33 Special Jail**

Any Prison provided for the confinement of a particular class or classes of prisoners and classified as special Jail by the Administration.

**1.34 Superintendent**

An officer who is appointed by the competent authority to be in-charge of a Prison (Jail) with such designation as it may specify.

**1.35 Under-trial prisoners**

A person who has been committed to judicial custody pending investigation or trial by a competent authority.

**1.36 Young offender**

Any prisoner who has attained the age of 18 years and has not attained the age of 21 years.

**1.37 Lieutenant Governor**

Means the Administrator of Union Territory of Ladakh appointed by the President under Article-239 of the Constitution.

**1.38 Parole**

Means the system of releasing prisoners from prison on parole by suspension of their sentence in accordance with the rules.

**1.39 Furlough**

Means leave as reward granted to a convicted prisoner who has been sentenced to rigorous imprisonment for five years or more and has undergone three years thereof.

## **CHAPTER II**

### **INSTITUTIONAL FRAMEWORK**

#### [Guiding Principles]

**2.01** A diversified prison system is imperative to meet the custodial and correctional needs of various categories of prisoners. Each prison has to be constructed and maintained on the basis of certain well-defined norms. The prison structure should be designed to provide all the necessary facilities for prisoners to be treated as human beings and subject them to an environment conducive for their reformatory treatment. Thus, following criteria is to be adopted:

- (i) Human Rights and human dignity of prisoners should be maintained.
- (ii) It is to be ensured that separate arrangement for segregation of following categories of Prisoners:
  - a. Women
  - b. Young offenders
  - c. Under-trials
  - d. Convicts
  - e. Civil prisoners
  - f. Détenes
  - g. High-risk offenders and
  - h. Foreigners.
- (iii) Endeavour to prepare prisoners to lead a law abiding, self-supporting, reformed and socially rehabilitated life.
- (iv) In order to make prisons efficiently manageable units, norms regarding maximum population for different types of prisons are to be laid down.
- (v) Service conditions of prison personnel shall be attractive to secure and retain the best suited and qualified persons.
- (vi) Efforts will be made to enlist community participation in effective administration of prison programs.
- (vii) In order to ensure security and discipline, a reasonably large radius of land around a prison should be procured.

#### **2.02 Institutional Pattern**

Administration will adequately provide for the diversification of institutional resources to cater to the differential requirements of prisoners in terms of custody and correction. The factors to be considered will include age, sex, legal status of the prisoner, nature of crime, length of sentence, security requirements, state of health and correctional needs. Such a course implies the setting up of separate institutional facilities for different categories of prisoners such as:

- Prisons/annexes/yards for under-trial prisoners.
- Maximum security prisons/annexes/yards for high-risk prisoners and hardened or habitual offenders.
- Open prisons, semi-open prisons and open colonies/camps.

- Prisons/annexes/enclosures for women prisoners.
- Prisons/annexes/yards for young offenders.
- Prisons/annexes/yards for those suffering from infectious diseases.
- Prisons/annexes/yards for drug and substance abuse offenders.

Administration will give special focus to the facilities to be provided to the prisoners that includes education, vocational training and skill development programmes, and cultural activities, library and recreation, both indoors and out door. It may also give specifications for the staff to be appointed in each type of institution. Apart from various types of prisons, Administration may declare any place as temporary prisons to deal with emergent situations.

### **2.03 Prison Architecture**

Prison architecture has to be based on the following:

- (i) The location of a new institution will be decided on the basis of
- (ii) the functions which the institution has to perform,
- (iii) the training and treatment emphasis, and
- (iv) program content of the institution.
- (v) New institutions will not be constructed near easily flooded and inundated areas frontiers and international borders, sub-marginal land areas, sea-faces, airports and congested urban localities. However, depending upon the available topography, measures shall be taken to accommodate requirements of a prison to meet out basic needs for welfare of prisoners and at the same time address the security concerns.
- (vi) While selecting the site for new institutions, factors like transport facilities, water supply, electric lighting, connections with high power electric transmission lines, drainage and sewage, communication facilities (such as posts, telephones and internet) climatic conditions, facilities for the purchase of institutional supplies, have to be taken into consideration. Also, institutions like courts, civil hospitals, mental health centres, educational facilities for children of prison personnel, should as far as possible be within easy reach.
- (vii) No building or temporary structure or any installation or any electronic tower etc., other than the prison, will be constructed within 50 meters of the prison wall of a Central Prisons, within 30 meters of the prison wall of a District Prison and within 25 meters of the prison wall of Sub-Prison in case of new installations/institutions.
- (viii) The architecture of institutions will be governed by two principles viz.
  - a. Adequate protection to society through the establishment of security conditions; and
  - b. Adequate resources which would be necessary for the successful implementation of various correctional programs. Institutional design and architecture have to be functional.
- (ix) The plan of an institution will be based on a careful analysis of inmate population, age group, custodial, requirement, diversified work, educational programs, etc.
- (x) Closed prisons are classified into three categories that is Central, District and Sub Jails. Authorized population for these prisons should not normally exceed 500, 200 and 100 prisoners, respectively. There will be enough open space inside the perimeter wall to allow proper ventilation and sunlight. The area enclosed within the four-walls of a prison will not be

less than 83.61sq. meters per head of total capacity. Where land is scarce, the minimum area will be 62.70 sq. meters per prisoner.

- (xi) No building inside a prison complex should be nearer than 20 feet to the perimeter wall/security wall.
- (xii) The requirements of segregation of inmate groups within an institution in accordance with the prescribed principles of classification will be provided for in every building plan. The requirements of administration and supervision will also be taken into account while planning buildings.
- (xiii) Each Central, District and Sub-Jail will have an enclosure for women prisoners.
- (xiv) The existing enclosures for women in common prisons will be renovated to ensure that women prisoners do not come in view of male prisoners during their passage to and from these enclosures. These enclosures will have a double lock system - one lock outside and the other inside, the keys of the latter always remaining with a woman guard inside. The institutions/enclosures for prisoners will have all the requisite facilities with reference to their special needs such as segregation, protection, pregnancy, child-birth and family care, health care, training and rehabilitation, etc.
- (xv) Under-trials and detainees will be lodged in separate enclosures away from convicted prisoners.
- (xvi) All accommodation provided for use of prisoners, particularly for sleeping, will meet basic requirements of healthy living. Accommodation shall be built in a manner so as to ensure adequate cubic content so fair, floor space, lighting, ventilation and climatic protection. All constructions in prison department will adhere to ISI standards.
- (xvii) A special cell with adequate technical staff will be set up at the prison headquarter to plan, monitor and supervise all constructions and repair works in the department.
- (xviii) CCTV cameras shall be installed in work sheds, kitchens, hospitals, main gate, interview rooms, and high security enclosures and in the premises of the barracks for monitoring/surveillance purposes.

## **2.04 Norms for Prison Buildings**

The following norms are to be followed in construction of prison buildings:

### **(i) Main Gate**

The minimum dimension of the main gate and second gate of all the closed prisons will be 3 mtrs. in width and 4 metres in height. Dimension of main and rear gates should be wide so that in case of fire exigencies a fire tender, a bore well rig to dig bore well, a lorry to transport raw material/logs for factory and ration articles could pass through these gates. The gate will be made up of a strong steel frame having vertical round or square steel bars of 25 mm. dia or thickness. Each gate will have a wicket-gate of at least of 0.8 metres in width and 1.5 metres in height. The main gate and the wicket-gates will have strong locking arrangements from inside. Both gates will have arrangements for easy opening and closing of shutters. The gates will be covered with iron sheet from outside up to the height of 2.5 metres. The wicket-gates will have peepholes covered with lid at eye level. The main gate may be painted with colours identical to that of departmental flag. The locks of the outer gate should be from outside and not from Prison barrack side, while lock of inner gate should be toward outer gate. Wickets gates should be in opposite symmetry and lid of peep holes of both the wicket gates should be in the Deodhi.

Space between two gates (Deodhi Area) will not be less than 12 meters in length and six meters width to facilitate the gate operations and movement of the fire tenders / transport vehicles. It will have the following facilities:

- a. A cabin.
- b. Gate keeper enclosures.
- c. Search room.
- d. Space for search and security equipments.
- e. Entry to the prison will only be through a single point.

(ii) Administrative blocks and other units

- a. There will be a properly designed administrative block within the prison complex for efficient functioning of the administration, preferably double story with Superintendent of Jail's Office in the first floor.
- b. A court room should be set up within the prison complex.
- c. The reception unit will have necessary facilities for proper implementation of admission-quarantine and orientation-classification programs. Physical facilities will be setup in accordance with the number and type of inmates to be received, and the programmer to be followed for proper segregation of various types of inmates. The unit will have dormitory and single room type accommodations.

Provision will also be made for following facilities:

- (i) a building where the in mates will be initially received,
- (ii) office room,
- (iii) interview room,
- (iv) store room,
- (v) medical officer's examination room and
- (vi) exercise and recreational areas, etc. The buildings and areas where the admission programmed has to be carried out will be located in close proximity of the hospital.

## 2.05 Housing

There will be three types of living accommodations as mentioned below:

- (i) Barracks with accommodation for not more than 20 prisoners
- (ii) Single room accommodation for prisoners needing privacy for pursuing studies, etc.
- (iii) Cells for segregation of prisoners for the purpose of security and contagious diseases.

The minimum accommodation capacity of barracks, cells, and hospitals per prisoner will ordinarily be according to the following scale:

SLEEPING BARRACKS			CELLS			HOSPITALS	
Sq. mtrs of ground areas	Cubic mtrs of air space	Sq. mtrs of lateral ventilation	Sq. mtrs of ground areas	Cubic mtrs of air space	Sq. mtrs of lateral ventilation	Sq. mtrs of ground area	Cubic mtrs of air space



3.71	15.83	1.12	8.92	33.98	2.23	5.58	23.75
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A plate indicating the authorized accommodations will be attached to the housing unit. Ordinarily, the number of prisoners confined in a housing unit will not exceed its authorized accommodation. An individual secure storage compartment (Shelf), sufficient in size to hold personal belongings of the prisoners, shall be provided to each prisoner in the barrack. Arrangements for appropriate heating facilities in barracks as well as for washrooms and laundry shall be made for prisoners during winters. A separate barrack for Transgender may be earmarked.

## **2.06 Barracks and Cells**

If a barrack is flat-roofed, there will be ceiling ventilation that is, opening at intervals close to the junction of wall and ceiling 30 x 12.5 meters. If the barrack is gable-roofed, there will be a ridge ventilator. The minimum height of roofs or ceilings will not be less than 11 feet from the floor.

The floor of the barrack /cell will be made of impermeable material such as cement concrete. In prisons situated in cold regions or during cold seasons, appropriate flooring should be provided to ensure habitable conditions in the barracks. All barracks will, if possible, be provided with verandas not less than 2 meters in width.

Each cell will have a yard attached to it where a prisoner can have the benefit of sufficient air and light. Adequate air circulation and proper ventilation shall be maintained in the barrack/cell. Though ventilation of the sleeping barracks is of the greatest importance, prisoners will not be permitted to close the windows and ventilation openings with shutters or curtains at their discretion. In new barracks, the ventilating area per head will be half a window. As standard grated window is 7 feet x 3½ feet, half a window will mean 1 sq. mtr. The ventilation will, however, be controlled according to the season wherever necessary; otherwise, the barracks will be too cold and damp during winter and rainy season. Cells meant for quarantine & other segregation purposes shall not be taken into account while calculating capacity of a prison.

The structural arrangements of fittings and fixtures and locking devices of barracks will be secure enough to prevent escapes. The existing wooden frames of the doors, windows and ventilators will be replaced by iron/steel frames. The iron bars used in doors, windows and ventilators will be of 25 mm. dia. and the clear distance between two bars will be 7.5cm. The Iron bars and Frames should be embedded in the concrete.

A barrack will have only one door of 2.2 x 1 mtrs and will have a single shutter. The door of a barrack will have clear opening of 1 mtr. The iron frame will be made of angle- iron of minimum of 10 mm. thickness.

The barrack windows and doors must be provided with fly/mosquito proof wire mesh. The doors will also be provided with polyethylene sheets or chick blinds, as may be necessary with control from outside.

All barracks or wards should have two rows of berth only. The measurement of each berth will normally be 2 x .75 mtrs with a height of 0.45mtrs.

Sufficient artificial light will be provided to enable the prisoners to work and read without difficulty in their barracks after dusk.

Each barrack will be provided with a first-aid kit which will be in the custody of an authorized prisoner. The first-aid kits supplied to each barrack should not have any sharp-edged items, long gauze rolls/ tapes or other such items. A looking mirror may be fixed outside each barrack for use of prisoners. All barracks will have amenities to negotiate hot and cold weathers which may include central heating system or provision of Geysers and air & water coolers etc.

Adequate fire safety systems will be installed in the barracks/ cells. The barracks shall be free from tobacco, smoke and excessive noise.

Infrastructure as a whole to be disabled friendly for all categories and periodical disability audit should be a regular feature in all the prisons. Staff shall also be sensitized about the special needs of disabled prisoners.

## **2.07 Toilets**

Each barrack used for sleeping will have sufficient number of attached WCs, urinals and wash places. The ratio of such WCs will be one unit per 10 prisoners. The ratio of the WCs which can be used during day time will be one unit per six prisoners. Toilets will be of the sanitary type with arrangements for flushing. The standard size shall be 5' x 5' (length and breadth). They will be placed on an impermeable base which will be higher than the surrounding ground and will be so built that the sun's rays can easily enter the toilets and rain is kept out. The partitions separating the toilets will be high enough to provide a reasonable degree of privacy. Toilets will be so designed that all excreta and wash materials will get into the receptacles without fouling the sites. Every seat will be provided with foot rests with an impermeable surface which will be in the right position and not too far apart. The inside walls of the toilets will be fitted with glazed ceramic tiles up to the height of 1 mtr from the floor level, as far as possible. In each barrack, where two toilets are provided, one should be of western type. In the hospital, 50% of toilets should be western type.

\* Periodical/periodicity referred above or in any of the subsequent chapters shall mean at least once in a year or more frequently if need arise.

## **2.08 Bathing Place**

Every prison will provide covered cubicles for bathing, at the rate of one for every 10 prisoners, with proper arrangements to ensure privacy. The standard size of each bathroom shall be 5'x5' (length and breadth). Every prisoner will be required to have bath as frequently as necessary for general hygiene according to climatic conditions. There will be an arrangement for the adequate running supply of water in every prison. If feasible, new prisons will have arrangements for rainwater harvesting and recycling of water, keeping in view its cost effectiveness. Each prison will have an independent standby arrangement for water supply. All prison building should have rain water harvesting system and sewerage treatment plant.

## **2.09 Kitchen**

The general kitchen will ordinarily be located at a central place inside the prison so that the distribution of food among the prisoners may be finished quickly. The kitchen will not be built close to the sleeping barracks. It will be well ventilated and lighted. It must always be kept clean and tidy. The oven will be of the type in which the heat does not escape outside and the smoke is let out by a suitable chimney, regardless of the type of fuel used. The kitchen will be protected by a fly proof wire mesh all around. Sufficient number of exhaust fans will be installed and artificial ventilation may be provided if necessary. The kitchen must be provided with fly-proof automatic closing doors. It will have floors made of an impermeable material. Each kitchen shed will be provided with adequate supply of pure water which will be used for both cooking and washing. The water will be collected from taps inside the kitchen. It is desirable that no single kitchen caters to more than 300 prisoners. Cooking and serving utensils will be made of stainless steel. The minimum space requirement in the kitchen will be 150 sq. mtrs per 100 prisoners. It will facilitate sufficient space for storage of provision articles, vegetables, dressing and cutting food, container and cooking utensils etc. There will be a provision for covered dining space in prisons so that prisoners may take their meals under roof and on a platform. There will be two shifts of workers in the kitchen. Management of kitchen or cooking of food which may also be made on Veg. and Non-Veg. basis. The kitchen complex shall have a barrack to house the inmates employed for cooking etc. The walls of the kitchen will be covered with tiles up to a height of 2 meters for easy cleaning. The prisoners working in the kitchen will be provided with suitable clothing, such as apron, caps, gloves, etc. and also with 250 ml each of liquid soap and detergent on a weekly basis for cleaning and washing utensils. Prison kitchens will be modernized by introducing LPG, hot plates and steam cooking. Kneading machines, Chapatti making machines, mixer and grinders, should also be introduced. Adequate fire safety systems shall be installed in the kitchen.

## **2.10 Hospital**

In every prison there will be separate hospitals with the necessary number of beds for indoor treatment with separate ward (enclosure) for men and women. All central and district prisons will provide hospital accommodation for 5% of the authorized inmate population. The location of the hospital will be as far away from the barracks as possible. Every hospital ward will be so constructed as to allow sufficient light and air. The floor and walls will be made of impermeable material. The hospitals will be provided with polyethylene sheets, fly proof wire mesh and fly proof

automatic closing doors. Attached toilets should be provided in the wards so that the sick prisoners do not have to walk far to use them. There will be arrangements for continuous supply of potable water in the hospitals.

The prison hospital will be situated near the main gate of the prison, the accommodation provided will include:

- (a) Ward for patients.
- (b) Toilet and bathing facilities at the rate of one for every five patients.
- (c) Storeroom for hospital furniture and equipment.
- (d) Dressing cum-injection room.
- (e) Room for minor surgery.
- (f) Room for pathological laboratory.
- (g) Room for the Medical Officer.
- (h) Isolation rooms for accommodating patients with infectious and contagious diseases (such as T.B, Leprosy and H.I.V./AIDS etc.)
- (i) Isolation rooms for accommodating mentally ill patients (Though as far as possible such patients be provided indoor treatment at psychiatric hospitals).
- (j) Adequate fire safety systems will be installed in prison hospitals.

### **2.11 Work Sheds**

Areas where prisoners work will have a minimum space of 500 cubic feet per prisoner in structures that will be constructed as workshops or factory buildings; for efficient ventilation the window area will not be less than 20% of the floor area subject to such variations as are found necessary in relation to particular industries or locations to be organized. As far as possible, work sheds should be located in a single enclosure for gate control and security. Adequate precautionary measures shall be taken to guard against health and safety hazards at the work sheds, including provision of first aid kit in the work shed which will remain in the custody of authorized prisoner. Adequate fire safety systems will be installed in the work sheds.

### **2.12 Recreational Facilities**

Proper recreational facilities like; grounds for outdoor games, auditorium for cultural activities, library, indoor games, meditation etc.

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## CHAPTER III

### HEADQUARTERS ORGANISATION

**3.01** The effectiveness of prison administration depends largely on the quality of literacy and supervision at various institutions and the implementation of programs therein, which in turn, depends on the manpower deployed at various levels of hierarchy. It is therefore imperative that the organizational structure be carefully planned and constantly reviewed to identify and review deficiencies in service delivery. With this objective, the structure and organizational hierarchy of the Prisons and Correctional Services Department has been set forth.

Prisons and Correctional Services will be under the control of the Home Department, being the department responsible for the services in this field. There will be a separate division within the Home Department for dealing with all matters connected with prisons and correctional services.

Administration will appoint the Head of Prisons and Correctional Services who will exercise general control and superintendence over all the prisons situated in the Union Territory of Ladakh. The HoPD will ensure the implementation of the provisions of the Prisons Act through other officers as appointed by the Administration for assisting him at the headquarters, at the regional level and at the prisons. The HoPD will have such administrative authority as is laid down in this Manual and as may be determined by the Administration from time to time depending upon the rank of the Officer posted.

**3.02** There shall be two main wings at the headquarters level:

- i. The Executive Wing and
- ii. The Correctional Wing.

The Executive Wing will be headed by an officer not below the rank of Deputy Inspector General or equivalent rank and such officer may be assisted by officers of different ranks from the prison department.

The Correctional Wing will consist of officer from Industries Department, Welfare Officer, Psychology and other officers in the Correction Wing may be appointed from amongst academicians either on deputation / transfer from academic institutions of repute.

### **3.03 Components of the Headquarter Staff**

The organizational set-up of the Headquarters of the Department of Prisons and Correctional Services will be as follows:

- Head of prisons and Correctional Services department.
- Deputy Inspector General of Prisons
- Staff Officer to HoPD.
- Law Officer (on deputation).
- Statistical officer for ongoing collection, interpretation and presentation of factual information and data with computer back-up (on deputation).
- Chief Accounts Officer/ Account Officer (on deputation).
- Other supporting staff.

Note.— whenever in any of the provisions in these rules including this chapter and Chapter no 4 requires creation of new post or cadre restructuring and would require concurrence of the

Administration for the said purpose then the said provisions will be implemented only after obtaining such concurrence of the Administration through Home Department UT Ladakh

### **3.4 Authority and Powers of the HoPD**

The general functions of the HoPD shall be:

- (i) To implement prison policies as lay down by the Administration.
- (ii) To plan, organize, direct, coordinate and control the various prison and correctional services.
- (iii) To define the functions and fix lines of authority and channels of command of the prison personnel.
- (iv) To inspect institutions with special reference to care, welfare, training, and treatment of inmates, staff training, discipline and welfare, etc.
- (v) To co-ordinate with various agencies/ Para military forces in the interest of smooth functioning of the jails.
- (vi) To supervise the functioning of the sub-ordinate officers so that they discharge their duties in accordance with the Prisons Act, 1894, and under these rules.
- (vii) To ensure that directions of Ho'nble Supreme Court, High Court, National Human Rights Commission etc. concerning the prisons are being implemented by the concerned officer in its letter and spirit.
- (viii) To ensure that there is adequate housing facilities for the staff.
- (ix) To ensure that directions are issued from time to time for bringing uniformity in the functioning of various jails.
- (x) To ensure that the provisions of the Prisons Act, 1894, Ladakh Prison manual and other legislations are implemented in its true spirit.

**3.05.** As the Head of the Department, the HoPD will have all necessary financial, administrative and disciplinary powers.

**3.06** The HoPD will prepare the budget for the various services under his control. Subject to the and orders of the Administration and the requirements under the appropriate statutes of the GFR the expenditure of the Department of Prisons and Correctional Services will be controlled by the HoPD. Subject to provisions of the rules, an adequate grant will be placed at the disposal of HoPD to meet expenditure of special nature. The HoPD will manage the personnel in the department and exercise disciplinary powers, including powers of redeployment of staff.

**3.07** The HoPD may allow interviews with the prisoners or may organize public functions for the welfare of prisoners on any day including public holidays.

**3.08** The HoPD shall forward to the Administration the copy of the inspection note made by him during the inspection as provided under the rules dealing with matters, which in the opinion of the HoPD, be brought to the notice of the Administration, without delay.

**3.09** The HoPD shall, soon after the close of each calendar year submit a report on the administration of prisons together with such statistical and other statements, returns and information, and in such form as the Administration may, from time to time, require.

**3.10** Powers and duties of Deputy Inspector General Prison. The Deputy Inspector General shall perform such duties as delegated to him by the HoPD from time to time.

**3.11** The other duties of Deputy Inspector General shall be as under namely:

- a. To supervise the functioning of the Superintendents and other officers subordinate to him;
- b. To monitor the progress of the action on the inspections conducted by the HoPD;
- c. To ensure compliance of all the tasks assigned to the subordinate officers;
- d. To inspect the prisons at least once in a year or as frequent as directed by HoPD;
- e. To ensure proper training of the prison personnel.
- f. To note action taken on the inspection reports of the HoPD and to inquire into the reasons of non compliance, if any, and shall include his findings, in his inspection report. In the event of non-compliance without sufficient reasons, he shall prepare charge sheet against the officer concerned and shall proceed or cause disciplinary proceedings against the concerned officer;
- g. To submit half-yearly report (April to September and October to March) to the HoPD indicating the activities carried out of the Prisons Welfare Fund, initial balance in the said Fund, the details of disbursement from the fund and final balance in the fund;
- h. To supervise deployment of staff at prisons headquarters and in various prisons;
- i. Procurement of dietary and non-dietary items, furniture, office equipment and other store items;
- j. Maintenance of vehicles of prisons;
- k. To ensure proper hygiene and sanitation in the prisons;
- l. Supervision of Prison Hospital, Medical Inspection Room and other medical facilities including liaison with outside hospital;
- m. Collection of intelligence in all the prisons regarding discipline of the staff and welfare of prisoners;
- n. Security and maintenance of Prisons Headquarters and welfare of prisoners;
- o. Vigilance and disciplinary cases of employees of Class-II and III category;
- p. Deployment and supervision of Non-Government Organizations;
- q. Enquiries relating to the petitions sent by prisoners;
- r. To act as chairman of the Purchase Committee of prisons;

- s. To supervise general administration, care taking and maintenance of Prisons Headquarters, allotment of staff quarters to the employees; and
- t. All establishment matters of the prison staff.
- u. The Deputy Inspector General may exercise all financial powers conferred on him by the relevant provisions of GFR
- v. Prison Department should establish training and placement cell for convicts of the prison under the Deputy Inspector General (Correctional Services). Such cells will provide career counselling to the prisoners six months prior to their release by identifying their skill set/talent.

**3.12** The duties and functions of the subordinate officer and other personnel shall be decided by the Head of Prisons and correctional services department (HoPD).

### **3.13 Training of staff**

Training Institute should impart training to the Prison Officers to acquire necessary knowledge and techniques and study tours shall form integral part of training curriculum. The senior and middle level officers shall continue to get basic /in service and refresher training in the regional institutes established at different regions of the country. For the purpose of training to lower staff and other short-term courses for all categories including Level Refresher Courses on the pattern of BPR&D New Delhi; shall be imparted in consultation/collaboration with reputed training institutions.

Detailed syllabus for Basic Training of warder sand other short-term courses shall be separately worked out in the Training Manual as per the guide lines issued by the Ministry of Home Affairs, Government of India.

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## **CHAPTER IV**

### **INSTITUTIONAL PERSONNEL**

**4.01** Each institution will have personnel in accordance with the requirements of security, discipline and programme emphasis. The personnel strength will be determined according to the duty posts, and hours of duty per day as the basis for each category of staff. The institutional set-up will be fixed in accordance with the size of the institution, the inmate population, workload and distribution of functions.

**4.02** The strength of custodial/guarding staff will be determined keeping in view the requirements of security, discipline, programme emphasis, duty posts, workload and distribution of functions. In principle, there has to be one guarding staff for every six prisoners and one for every 3 high risk prisoners.

Institutional personnel will comprise of:

- I) Executive
  - a. Superintendents
  - b. Deputy Superintendents.
  - c. Assistant Superintendents.
- II) Guarding staff
  - a. Head Warders.
  - b. Warders.
- III) Medical personnel
  - a. Medical Officers
  - b. Nursing staff.
  - c. Pharmacist
  - d. Nursing Orderlies.
- IV) Welfare Units
  - a. Welfare Officer.
  - b. Counsellor/Psychologist.
  - c. Psychiatrist.
- V) Educational Personnel
  - a. Teachers
  - b. Physical Training Instructor
- VI) Technical Personnel
  - a. Instructors.
  - b. Electricians.
  - c. Plumbers.
  - d. Mason.
  - e. Drivers.
  - f. Motor Mechanic.
- VII) Ministerial Staff
  - a. Head assistant



- b. Senior assistant.
- c. Junior assistant.

#### **4.03 Duties and Functions of Institutional Personnel:**

The statutory duties and responsibilities of institutional personnel will be as per the provisions of the laws and rules governing prisons. The number of personnel will be determined on the basis of requirements of security, discipline and program emphasis. The institutional setup will be fixed in accordance with the size of the institution, the inmate population, and category of inmates, workload and distribution of functions.

Custody, security, discipline and preventive and control action during an emergency are the fundamental duties and responsibilities of every member.

The duties, responsibilities and functions will be assigned in writing to every staff member on his initial appointment. Care will be taken to ensure that the rules, regulations, and instructions to be followed by institutional personnel are interpreted from time to time.

A well-planned and properly regulated time-table of work hours should be prepared for each category of institutional personnel, and no staff member shall be required to work for more than eight hours day. It should also be sure that every incumbent gets 24 hours off-duty once a week.

The general duties, functions and responsibilities of the institutional personnel are detailed below: -

#### **I) Executive**

To ascertain the human rights that the prisoners are entitled to, are not impinged upon and restricted beyond the limit inherent in the process of incarceration itself and to ensure that prison programs are geared towards the overall objective of imprisonment in terms of reformation and rehabilitation of prisoners.

##### **(a) Sr. Superintendent or Superintendent of Jail**

All appointments to and changes in the office of Superintendent of Jail shall be made by the Administration. The Superintendent will, subject to any order of the Administration. HoPD and the DIG be in charge of the executive management of the prison in all matters relating to economy, discipline, labour, expenditure, punishment and control in general, among other things. The Superintendent thus is responsible for developing an atmosphere that is conducive and correctional in nature and providing leadership in every aspect of prison management. He shall take care of the duties, suggestions, planning, organizing, directing, guiding, coordinating, supervising and controlling all prison activities.

The Jail Superintendent will be the head of the prison and will be assisted by officer's subordinate to him, including Deputy Superintendents, Assistant Superintendents, Head Warders, Warders and other technical, correctional & supportive staff. Accounts Officer where ever posted shall be subordinate to the Jail Superintendent and shall function as his Financial Advisor and Drawing and Disbursing Officer of the Institution.

Specific duties of Superintendent:

- (i) General supervision over security and custody arrangements;
- (ii) Custody of secret and confidential documents;
- (iii) Supervision over care and welfare of inmates;
- (iv) Supervision over office administration;
- (v) Control over financial matters;
- (vi) Implementing policy pertaining to correctional administration;

- (vii) Planning, organizing, directing, guiding, coordinating, supervising and controlling all institutional programs and operations;
- (viii) Inmate discipline and morale;
- (ix) Classification of prisoners, training and treatment programs and correctional activities;
- (x) Inspection and supervision of work, employment and production programs;
- (xi) Inspection of the prison activities, prison hospital, kitchen, canteen, etc.
- (xii) Personnel matters, staff welfare and staff discipline, at location of duties to personnel under his control, safety of the prison personnel, protection of human dignity, rights and providing decent work conditions, acquainting institutional personnel with current policies of correctional administration and the role they have to play in a welfare state; organizing personnel training program at the institutional level;
- (xiii) Reports to the HoPD and liaison with other Administration agencies for the purpose;
- (xiv) Developing an institutional atmosphere conducive to the correctional role and providing leadership in every aspect of institutional management;
- (xv) Weekly inspection round and periodical night inspection round;
- (xvi) Control of stock and stores, maintenance.

**(b) Deputy Superintendent (Jailer)**

The Deputy Superintendent is the chief executive officer of the Prison and is subordinate to the Superintendent. The Deputy Superintendent being subordinate to the Jail Superintendent shall assist him wherever necessary. He shall be generally responsible for observance of all prescribed rules and orders. Duties include:

- (i) Admission and release of prisoners after verification and checking of committal warrants;
- (ii) Supervision over security, custody and discipline, supervision over care and welfare of prisoners;
- (iii) Minor correspondence relating to prisoners;
- (iv) Attending to release on bail, appeals, fine payment, etc;
- (v) Attending to correction of sentences;
- (vi) Production of prisoners in courts;
- (vii) Segregate prisoners having escape or discipline risks and prisoners of known bad character, and report to the Superintendent;
- (viii) Admission and release work prison manufacturers;
- (ix) Classification of prisoners and their training;
- (x) See that prisoners are cleaning their persons and clothes and that they have the authorized amount of clothing and bedding and no more; Shall, at uncertain times but at least once a week, cause every prisoner and All clothing, bedding workshops, wards and cells to be thoroughly searched;
- (xi) Upon the death of a prisoner, shall give immediate notice thereof to the
- (xii) Superintendent and the Medical subordinate.
- (xiii) No prisoner shall be put in iron or under mechanical restraint by the Deputy Superintendent of his own authority except in case of urgent necessity, in which case notice thereof shall be forth with given to the Superintendent.
- (xiv) The Deputy Superintendent shall enter daily in his journal: -
  - (a) The time the wards were opened;

- (b) The members of the staff (if any) who were absent;
- (c) The time prisoners began work;
- (d) The time work was stopped in the forenoon;
- (e) The time work was stopped for the day; and
- (f) The time the lock-up was completed.
- (xv) All money or other articles in respect where of no order of a competent Court has been made shall be placed in the custody of the Deputy Superintendent.
- (xvi) Shall be responsible for the safe custody of the records to be kept under section 12 of Prisons Act, for the commitment warrants and all other documents confided to his care, and for the moneys and other articles taken from prisoners.
- (xvii) Inspecting kitchen and canteen visit to hospital.
- (xviii) Shall jointly with the Medical subordinate be responsible for the proper preparation and distribution of food to prisoners.
- (xix) Shall whenever required to do, accompany the Superintendent, Medical Officer and Magistrate and every inspecting officer and Visitor, on their visits to the jail.
- (xx) Shall be Verifying Officer/Store Officer for verification of stocks.
- (xxi) Shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere and shall not be absent from the prison for a night without permission in writing from the Superintendent; but if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.
- (xxii) Shall supervise the working of the guards. At least once a week, at uncertain time, he shall visit the prison after 10.00 P.M. and satisfy himself that the standing guard is present, the sentries posted are on the alert, and that the rounds are properly maintained.
- (xxiii) Subject to the rules relating to the granting of leave and the record to be maintained of all leave granted, the Deputy Superintendent may grant leave of absence for a period not exceeding four hours at anyone time to any subordinate officer.
- (xxiv) Super vision over personnel matters, staff discipline and staff welfare assisting the Superintendent in all matters pertaining to institutional management.

**(c) Assistant Superintendent**

- (i) To assist the Deputy Superintendent in studying the psychological and mental make-up of prisoners and taking steps to reform them;
- (ii) To be in charge of the ration stores as generally stated;
- (iii) To be directly responsible for the storing and custody of ration and other articles
- (iv) purchased and their issue from the stores;
- (v) To place indents and get supplies of all articles of diet and articles required for the prisoners;
- (vi) To attend to the day-to-day maintenance of stock registers and other connected records and to the proper maintenance stock;
- (vii) To attend to the maintenance of accounts for extra articles purchased by civil debtors;
- (viii) To check the correctness of the kitchen slips, hospital indents and other indents
- (ix) placed on him for issue of ration and miscellaneous articles;

- (x) To maintain separate accounts and to be responsible for the safe custody of empty gunnies and other receptacles received and disposed of;
- (xi) To weigh and issue ration and other articles for consumption;
- (xii) To supervise the cleaning of grains, vegetables and other dietary articles and their grinding, if any;
- (xiii) To ensure that all ration articles taken to the kitchen are actually utilized for the purpose they are meant;
- (xiv) To be custodian of all civil store articles entrusted to the ration stores;
- (xv) To assist the Deputy Superintendent and to be present with him at the time of supply of food to condemned prisoners;
- (xvi) To assist the Deputy Superintendent in searching the condemned prisoners and examining the cells where condemned prisoners are locked-up;
- (xvii) To conduct interviews with condemned prisoners;
- (xviii) To assist the Deputy Superintendent in supervising the work of all guarding staff warders in the gardens;
- (xix) To assist the Deputy Superintendent in supervision over searches, counting opening, and closing of prisons;
- (xx) To assist the Deputy Superintendent in all matters pertaining to institutional management;
- (xxi) To attend to any other duty that may be assigned to him by the Superintendent;
- (xxii) Admission and search of prisoners on their admission;
- (xxiii) Custody of prisoner's property except cash;
- (xxiv) The removal of private clothing from prisoners on their admission, the issue of prison clothing and bedding, the correct making of metal identification discs; and the placing of prisoners in quarantine soon after their admission;
- (xxv) The custody of prisoner's private clothing and prison clothing stores; and the issue of fresh clothing to the prisoners;
- (xxvi) The maintenance of the clothing and registers in the prescribed form;
- (xxvii) Conducting prisoners' interview, if conversant with the language spoken at the interview;
- (xxviii) The supervision over the proper maintenance of stocks and supplies, especially of perishable items.
- (xxix) The charge of the quarantine and of the civil and leper annexes where such annexes exist;
- (xxx) The censoring of letters addressed to and sent by the prisoners and the disposal of such letters under the order of the Superintendent.

## **II) Guarding Staff**

### **(a) Guarding personnel**

The guarding personnel will consist of Head Warder and Warders. The guarding personnel entering into Prison for performing any type of duty shall not carry anything except uniform articles. There shall be at least one guarding staff for every six prisoners (one for three in case of hardcore prisoners) and this ratio shall be followed in all three shifts. [Note: The staffs who are engaged in the industries and other welfare activities shall be excluded while calculating the ratio.] Specific duties of each member of the guarding staff on various sections/points will be assigned by the Addl. Superintendent in consultation with Jail Superintendent on a rotation basis in keeping with his/her status within the cadre in the following areas:

- (i) Security, custody, discipline.
- (ii) Searches and counting of prisoners.
- (iii) Opening and locking-up of the prison.

- (iv) Reporting defects and short comings in prison buildings, walls, locks, lighting arrangements, bars taking immediate action for rectifying these and taking care of the custody of locks and keys, handcuffs and other security equipment.
- (v) Care and welfare of prisoners.
- (vi) Maintenance of discipline in institutional premises, gates, quarantine, barracks, dormitories, cells, work sheds, punishment yards, segregation yards, hospital, kitchen, farm and in every other section of the institution.
- (vii) Sanitation and hygiene in areas under his charge.
- (viii) Guarding and sentry duties.
- (ix) Escorting prisoners for work, supervision of their work, care and custody of tools, property, equipment, dead stock and livestock.
- (x) Supervision of distribution of food, canteen article sand inmate equipment.
- (xi) Helping the technical personnel in work sheds, management and discipline, helping agricultural personnel in all related matters.
- (xii) Discipline in areas where educational, cultural and recreational activities are conducted.
- (xiii) Reporting violations of discipline to appropriate officers for taking immediate action as per rules.
- (xiv) Observing habits and behaviour pattern so fin mate sand reporting the same to the authorities concerned, helping inmates improve their habits and attitudes.
- (xv) Taking preventive and control measures for all emergency situations.
- (xvi) Discipline in staff quarters.
- (xvii) P.T., drill parades and emergency practice for staff.

#### **(b) Reserve Force**

A quick reaction team( QRT) not less than 10 to20 personnel of different categories should be kept available and attached with each jail/prison to undertake surprise search and checking in the Prison concerned as well as to meet out any emergency. Such force should be trained in use of modern weapons and unarmed combat. This reserve force will possess the required modern weapons like pistols, carbines, S.L.R., pump action guns and authorized quality of rubber bullets, plastic bullets and live ammunition so that the scene used in emergencies.

The Quick Reaction Team will be divided into two groups used on alternate days to handle any emergency in the prison. They will be kept on alert with facilities for fast movement. The Quick Reaction Team will be used for its specified duties only. As far as possible, the Quick Reaction Team must be selected from young warders.

The Jail Superintendent will personally satisfy himself that the Quick Reaction Team is properly trained, equipped and alert all the time.

The number of personnel in the Quick Reaction Team shall be in addition to the normal staff strength of the Institution.

### **III) Medical Personnel**

The medical personnel will be directly responsible for the Medicare and health of prisoners. They will also advise the maintenance of minimum standards of hygienic conditions in the prison premises. There shall be at least one Medical Officer for every 300 prisoners. In central Prisons/ big Prisons, there should be one doctor available at all times. The specific duties of each of the medical personnel will be assigned by the prison authorities in the following areas:

#### **a. Preventive Service**

Examination of all inmates on admission and periodical re-examination, immediate provision of whatever treatment is indicated, immunization, segregation and treatment of those having contagious or infectious conditions, inspection and advice regarding diet, clothing, equipment, industrial safety, environmental and institutional sanitation and hygiene, and the education for inmates and personnel.

#### **b. Curative Services**

Treatment of diseases, dental care, treatment of skin ailments, correction of defects of sight, hearing, speech and posture, provision of artificial limbs, glasses, trusses and other prosthetic devices, prescription of special diets and exercise and physiotherapy, and treatment of substance-related and addictive disorders and psychological disorders.

#### **c. General**

Hospital administration, hospital discipline, classification of prisoners, assessing work and employment potential of inmates, suggesting special precautionary measures where necessary for certain types of offenders, daily visit to prisoners under punishment, prisoners under sentence of death, inspection of kitchen, canteen provisions and supplies, medical treatment of personnel, assisting the Superintendent in matters pertaining to institutional management, liaison with local officers of medical and health departments.

### **IV) Welfare Unit**

The welfare personnel will primarily be concerned with the wellbeing of prisoners, undertaking individualized care for those needing institutional adjustment and responsiveness through correctional programs. There should be one Correctional /Welfare Officer for every 200 hundred prisoner and one psychologist /counsellor for every 500 prisoners. The specific duties and welfare functionaries will relate to the following areas:

#### **a. Welfare Officer**

Prison welfare officer should be appointed in each central and district prison to look after the welfare and reintegration programs of prisoners. It is advisable to have at least one welfare officer for every 500 prisoners in a central prison and at least one for each district prison.

- (i) Coordinating the work of the welfare unit.
- (ii) Helping inmates in overcoming problems of institutional adjustment.
- (iii) Assisting inmates in dealing with problems faced by their families and dependents.
- (iv) Connecting correctional needs of prisoners with the resources available within and outside the prison.
- (v) Participating in the orientation, classification and reclassification programs.
- (vi) Facilitating understanding between the inmate and administration.
- (vii) Assisting prison authorities in maintaining prison security discipline.
- (viii) Participating in the pre-release programme and helping the inmate establish contacts useful to him after release.
- (ix) Identifying the resources for rehabilitation of prisoners.

#### **b. Counsellor**

- (i) Dealing with emotional and psychological problems of inmates.

- (ii) Providing counselling to prisoners facing problems of adjustment within the prison and in relation to their families outside.
- (iii) Helping inmates develop their self-image, self-confidence, and motivation for correctional treatment.
- (iv) Helping the staff in understanding the problems faced by the inmates.
- (v) Aiding the psychiatrist in related matters.

## **V) Educational Personnel**

Education in prisons has to be pursued as an important means of reformatory treatment. It not only implies providing literacy but also inculcating values among prisoners as are considered conducive to their social mainstream. Therefore, education personnel have to offer a comprehensive programme of education to prisoners in which various educational functionaries will perform their specific duties in the following areas:

- (i) Conducting diversified educational programmes for health, academics, social and moral education.
- (ii) Linking prison education with mainstream education.
- (iii) Screening of newly admitted inmates for the determination of their educational aptitude, abilities and interests.
- (iv) Participation in Classification Committee's work.
- (v) Conducting literacy, socio-cultural and spiritual development programme.
- (vi) Arranging tests and examinations; periodically assessing educational progress of inmates, changing educational programmes when necessary.
- (vii) Maintenance of a library with sufficient reading material.
- (viii) Audio-visual facilities.

## **VI) Technical Personnel**

The technical personnel are responsible for the development of vocational training and diversified programmes of productive work as an important component of their formative process. While technically qualified and trained staff has to provide knowledge and skills for economic rehabilitation, the other technical staff will have to ensure proper maintenance of the prison infrastructure. Requisite staff may also be engaged from open market on need basis for working and maintenance of prison management software, documentation, digitization of records and other related work. The specific duties are indicated below: -

### **a. Instructors**

- (i) Giving vocational aptitudes to inmates, interviewing and collecting data about inmates, vocational history, skills abilities and interests.
- (ii) Suggesting work and vocational training programmes for inmates.
- (iii) Preparing plans for vocational training projects.
- (iv) Imparting apprenticeship, on-the-job and vocational training to inmates.
- (v) Utilizing resources of service and maintenance unit for training purposes.
- (vi) Arranging arts and handicrafts projects.
- (vii) Arranging vocational examinations for inmates.

- (viii) Training of newly admitted prisoners.
- (ix) Maintaining progress reports about the training of prisoners.
- (x) Suggesting improvements in work methods.
- (xi) Keeping the equipment and machines in the workshop in good working condition, custody and maintenance of shops and factories.
- (xii) Ensuring safety measures in workshops and factory areas.
- (xiii) Maintenance of discipline in the area under their charge, attending to emergency situations.
- (xiv) Distribution of work to inmates.
- (xv) Maintaining muster rolls of inmates working in various sections.
- (xvi) Supplying inmates with production tools and materials.
- (xvii) Super vision over quality and quantity of production.
- (xviii) Maintaining worksheets.
- (xix) Measuring tasks and apportioning wages.
- (xx) Indenting raw material from the Store Keeper, storing raw material in the in charge, maintaining an account of raw material and manufactured articles in their charge, dispatch of manufactured articles to the Store Keeper, monthly checking of stores under their charge and reporting the same to the authorities concerned.
- (xxi) Preparing work plans for work sheds under their control and forwarding them to the officer in charge.

#### **b. Maintenance Staff**

- (i) Maintenance and repairs of prison buildings.
- (ii) Maintenance and service of machines, tools and equipment and transport.
- (iii) Maintenance and service of electric lines, plumbing facilities, water supply plant and power plant.
- (iv) Periodical testing of emergency equipment like fire-fighting equipment and accident prevention measures.

### **VII) Ministerial Staff**

Ministerial staff will be so organized as not to leave any scope for sharing their duties with prisoners. The work to members of ministerial staff and accounts personnel will be assigned by the Superintendent as per the position he/she holds and the requirements.

**4.04** Some of the Special Tasks carry special duties in the Prison Administration which are enumerated below:

#### **(a) Night Duty Officer (NDO)**

NDO is supposed to be available in a specified room or portion inside Prison so that he is accessible and attentive to the activities of the Institution including emergencies during night hours and NDO



also enjoys decision making powers at night in absence of the superior Officers. He/ She is supposed to check and oversee the change and frisking of each Guard at the main gate and also has to have periodical patrolling inside the Prison and shall have to immediately attend to any type of emergency including power failure and has to report to the Assistant Superintendent and the Superintendent immediately; if in case he fails to solve the problem. He is the actual person who takes charge of the functioning of Prison for night including the charge of total number of Prisoners locked at the time of locking-up and has to hand over the same number to the subsequent Officer/officials at the time of locking-out.

**(b) Gate keeper (Darban)**

A Warder shall be constantly on duty, as Gate-keeper, at the main gate of every Prison, between the hours of opening the Prison in the morning and closing it at night.

At every relief of Gate-keeper, a note of the hour of such relief shall be recorded and signed by both the relieved and relieving official. The officer acting as Gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Deputy Superintendent/Assistant Superintendent. In addition to the duty prescribed for gate-keepers in section 21 of the Prisons Act, 1894, the Gate-keeper shall maintain such registers and enter therein such particulars as the Inspector General may from time to time prescribe in that behalf.

**(c) Special Darban:**

As per administrative requirement, a Warder/Head Warder may be designated as Special Darban to share the duties with Darban/Gate keeper round the clock or during busy hours.

**(d) ChakkarHawaldar :**

A Head Warder or Selection Grade Warder may be designated as ChakkarHawaldar in a block or apartment who is responsible for regulating the daily routine of Prisoners in the barracks and their movements outside barracks including Court Hearing, Hospital and Interview etc.

**(e) Warder, Sentry**

Each Warder shall have a particular duty assigned to him by the Superintendent or Deputy Superintendent, such as charge of a ward, or set of wards, a work-shop or set of workshops, or a group of prisoners either inside or outside the Prison. The posts and duties of Warders shall be frequently changed so as to prevent them forming relations with any of the prisoners.

It shall be the general duty of every Warder at all times to:-

- (i) render all assistance in his power in the management of the Prison, maintain order and discipline amongst prisoners and guard and defend the Prison and all persons against the use of criminal force by any person;
- (ii) obey the orders of all officer's superior to him in rank;
- (iii) comply with the requirements of all laws, rules, regulations, directions and orders for the time being in force regulating the duties which he is to perform ;

- (iv) take proper care of all property of whatever kind at any time entrusted to him and duly account for the same whenever called upon so to do ; and
- (v) not to take off any portion of his uniform, or lie or sit down whilst on duty;
- (vi) to know the number of prisoners in his charge; to count them frequently during his turn of duty and to satisfy himself that he has in his custody, not only the correct number, but also the particulars of prisoners for whom he is responsible;
- (vii) to search all prisoners, he received in his charge or made over to the charge of any other officer, at the time of receiving and making over charge respectively;
- (viii) to report every prisoner in his charge who has been idle or who has not completed his task or who has committed any other Prison offence;
- (ix) to see that any prisoner who has to go to the latrine at unauthorized times, is made over to the charge of responsible officer whilst away from the group ;
- (x) to bring to the notice of the Deputy Superintendent any prisoner appearing to be ill or complaining of sickness ;
- (xi) to report any plots for the purpose of escaping or of assault or outbreak or of obtaining forbidden articles ;
- (xii) to prepare prisoners for muster and parade and see that each prisoner comes to his proper place in proper order and behaves well;
- (xiii) to follow the procedure laid down for his guidance when any prisoner is missing, and No Warder shall, while on duty, at any time, under any circumstance, on any pretext, leave his post or absent himself from duty until relieved in due course and released from duty provided that he may leave his beat to prevent an escape or to assist in subduing a disturbance taking place within his sight when he is on main wall duty or, when he is in charge of prisoners, if he can do so without serious risk to the safe custody of those prisoners.

It rests upon the Warder concerned to show that the circumstances were so exceptional as to justify his doing so:

- (i) not to enter into conversation with anyone except when questioned by a superior officer;
- (ii) not to interfere unnecessarily with any prisoner or Prison officer;
- (iii) not to leave his post without regular relief upon any pretense whatever;
- (iv) when on duty at night, to satisfy himself that the main gates and wickets are securely locked;
- (v) not to allow persons to crowd around him;
- (vi) if he sees a prisoner attempting to escape, to call on him to stand and if he refuses to do so and there is no superior officer present, to fire on the prisoner, provided he cannot otherwise prevent the escape;
- (vii) if he is beyond call and has to alarm the guard, to fire a shot in air as the signal of alarm;
- (viii) if he sees any articles in or near the Prison likely to facilitate escape, or if any unusual incident comes under his observation, to at once report the matter to the officer in charge of the picket;
- (ix) When on duty at the main gate at night, not to allow any person to enter or leave the Prison who is not on official duty.
- (x) No relief shall, whether by day or night, be affected otherwise than in the presence of both the relieved and relieving officer and also of a third officer, who shall ordinarily be the Head Warder whose duty it is to carry out such relief.

- (xi) A Warder on being relieved shall explain to his successor what the duties of the charge are, and shall bring to notice any long termed or dangerous prisoners. The relieving officer shall, before taking charge, satisfy himself that the property and the number of prisoners made over to him is correct.
- (xii) The Warder guard shall furnish one Sentry at the main gate day and night and shall assist in watching at night to the extent prescribed by the Superintendent.

#### **4.05 Female Warder**

In every Prison in which accommodation is provided for female prisoners, or in which such prisoners are ordinarily detained or are liable to be detained, there shall be a female Assistant Superintendent and adequate strength of female Head Warders/Warders, who shall, subject to the control of the Superintendent and Deputy Superintendent have complete charge of all female prisoners at any time committed to, or detained in, the Prison.

The Duties of the female Head Warders / Warders, shall, as regards female prisoners, be similar to those performed, as regards male prisoners, by male Head Warders & male Warders, respectively, and all rules, regulations, orders and directions for the time being applicable to such Head Warder and Warders shall, as far as may be, be applicable to female Head Warders/Warders respectively.

No male person employed in any capacity in or connected with the Prison shall, otherwise than in case of emergency & when called upon so to do by the Deputy Superintendent or a female Warder, and then only when accompanied by the Deputy Superintendent or a female Warder, at any time enter any ward, cell, compartment, or other portion of or place in the said Prison occupied by any female prisoner.

#### **4.06 Articles to be kept between the gates**

In the passage between the main gate shall ordinarily be kept :-

- a clock ;
- a weighing machine ;
- a measuring staff ;
- a desk with the lock and key for the gate-keeper's books and writing materials ;
- a wall-almirah or box for keys ;
- the Deputy Superintendent's cash chest ;
- a box for torches etc. apparatus for extinguishing fires, and notice boards.

#### **4.07 Manning of Outermost Gate**

A specially designated Warder shall be detailed on duty at the outer gate. He is the first person to come in contact with the visitors and thus he is the person who has to behave properly with good turn out and ensure proper identity of the visitors whether official or non-official. He may be assisted by the armed personnel of the Para-military forces or State force responsible for outer security of the institution and also by a female Warder for frisking the female visitors at this entry point. This responsible personnel has to maintain proper entries in the register meant for the purpose.

In principle, frisking of inmates/visitors/staff at different points shall be based on dual checking by the prison personnel and the security agency deployed for security of prisons, as stressed by MHA from time to time. Refer Appendix- 16

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## **CHAPTER V**

### **CUSTODIAL MANAGEMENT**

**5.01** Secure custody of inmates is the primary responsibility of the prison. The overall objective of reform and rehabilitation has to be pursued within the framework of custody. Further, prison custody implies certain restrictions on the basic rights of prisoners as human beings under the process of incarceration that prisoners are required to undergo during day and during night.

#### **5.02 Security and Custody**

Following norms in respect of security and custody in prisons are given as under:-

- (i) Security measures will be adopted in accordance with the specific requirements of each prison.
- (ii) Demarcation of an 'out-of bound' area as a sterile zone around every prison premises-central prison 50mtrs. District Prisons 30mtrs, special sub-prisons and sub-prisons 25mtrs.
- (iii) Secure walls, building gates, barracks, cells, hospital areas and other places, daily inspection of the same and proper maintenance of prison buildings and premises.
- (iv) A system of good lighting inside and around the prison.
- (v) A system of thorough searches of all incoming and outgoing prisoners and articles vehicles. Daily searches and periodical surprise searches of all prison sections and equipment.
- (vi) A central-point monitoring for the control of the movement of prisoners.
- (vii) A thorough system of the control of prohibited articles.
- (viii) A thorough system of counting prisoners.
- (ix) A system of custody and control and inspection of locks, keys, handcuffs and other security equipment, maintenance and service of all security equipment.
- (x) A system of custody, control, inspection and counting of tools equipment.
- (xi) A system of accident prevention and of meeting requirements during emergencies such as escapes, riots, assault sand fires.
- (xii) A system of fire arms control, quarter guard, and magazine and weaponry practice.
- (xiii) Adequate guarding and security measures by adopting proper norms for staff and equipment, and periodical testing and inspection thereof, by executive personnel.
- (xiv) Effective system of censoring prisoners' mail and checking of interviews.
- (xv) Utilization of local intelligence branches wherever necessary and maintaining an intelligence system to collect information within the prison.
- (xvi) Installation of close circuital vision system and other electronic gadgets to effectively monitor and maintain a close watch for any breach of security inside the prisons and to keep an eye on the activities of Inmates and Prison Officials.
- (xvii) Watch towers, wherever necessary, to watch inside and outside of the prison, to be constructed and searchlights and binoculars made available.

- (xviii) Installing power fencing on the walls of prisons wherever necessary to prevent escapes, ensuring safety of the prisoners' lives.
- (xix) A system of thorough search for unearthing explosives and narcotic substances among prisoners.
- (xx) Effective wireless communication system and intercoms to be established within the prison and also from one prison to another.
- (xxi) Constructing a second security wall in every prison, making the prison building as inaccessible an area to the general public as possible, and also to avoid trespassing also.
- (xxii) A good road inside and outside the main walls for better patrolling.
- (xxiii) A modern interview room with sound absorption to ensure smooth conversation and human dignity, without overlooking the security.
- (xxiv) Effective segregation of prisoners on the basis of security requirements.
- (xxv) Installation of high pitch sirens to alert prison staff, public and nearby police stations about any untoward happening.
- (xxvi) Untrained personnel not be posted inside the prison, prison premises, under any circumstances for guarding purposes.
- (xxvii) Electronic gadgetry may be used for guarding purposes.
- (xxviii) From sunset to sunrise sufficient lighting arrangements shall be made in front of the grated door of every cell in which a dangerous prisoner is confined.
- (xxix) There shall be sufficient lighting arrangements in the Prison premises. Stand by generators shall be kept available in each Prison depending upon the requirement.

### **5.03 Guarding Establishment**

There will be a guarding establishment in every prison, responsible for the guarding of prisoners, prison premises, gate and carrying out any other duties which may be assigned to them. The guarding establishment includes the warder performing their duties in rotation.

Note. —A special Warder will be employed for awakening the various night guards for their turns of duty.

### **5.04 Procedure to be observed in guarding**

The following procedure shall be observed in guarding the Prison and the prisoners confined therein: -

- (i) The Warder guard shall, after due allowance has been made for leave, sickness, transfer etc. be divided into 5 squads out of which one is kept as Reserve Guard while other 4 shall perform the guarding duty at different beats as per necessity and requirement round-the-clock, with 3 hours duty at a time twice in 24 hours or 4 hours maximum at a time twice in 24 hours or six hours at a stretch in a day as feasible from time to time. Squad No. 1 will be relieved by No. 2 and likewise. Every personnel should get the label of rather act as Reserve Guard each week.
- (ii) The Deputy Superintendent and Assistant Superintendents together with the Warders who are to go on duty in the morning shall enter the Prison together.
- (iii) The wards shall be opened and the prisoner counted out by Head Warders in pairs in the presence of the relieving Warders who are to take charge of the prisoners during the first

period of day duty. The Deputy Superintendent, and Assistant Superintendents or Senior Head Warder shall verify the number counted out of each ward by comparison with the entry in the lock-up register. A Head Warder shall take charge of the Convict Functionaries who are to watch the Prison walls during the first turn of duty and post them round the enclosure walls. When this has been done, the relieved Warders of the last night watch shall be marched out of the Prison.

- (iv) On completion of the parade, the prisoners shall be distributed in respective groups and a responsible officer shall be placed in charge of each group. The responsibility for the charge of a group shall never be divided between two or more officers. The strength of a group working outside the Prison walls, but within the Prison precincts shall not, without the sanction of the Inspector General, exceed 12 prisoners, which number shall include two Convict-Functionaries; there shall be at least one Warder in charge of every such group. In the case of prisoners working inside Prison walls, each group may, including the Convict-Functionaries attached, contain as many men as can be conveniently and effectively supervised and may, when the Warders are insufficient in number, be placed in charge of selected Convict Functionaries.

Prisoners shall not be employed beyond the Prison precincts without the special sanction of the HoPD.

- (v) The Warders coming on duty at the opening of wards in the morning shall be relieved at noon by the squad B which shall be brought into the Prison by the Head Warders taking the second turn of day duty. They shall remain in charge until the prisoners are locked up and the night guard posted. The Convict-Functionaries guarding the walls shall in like manner be changed by the senior Head Warder accompanying the squad of Warders entering the Prison at noon.
- (vi) When the Warders and Convict-Functionaries are posted to the several groups in the morning, the names of the prisoners composing each group shall be called from the group book in the presence of the officer about to take charge, who shall verify the total by counting them. The officer's name shall then be recorded in the group book and his receipt taken. Every long termed and dangerous prisoner should be specially pointed out to the Warder about to take charge of him, so that a particular watch may be kept on him. At every change of guard, the number of prisoners in each group shall be counted, and in the case of groups outside the Prison, the names of the prisoners composing each group shall be called over. In large Prisons there should be several group-books, so that the rolls may be called simultaneously to save time. Vernacular convict- writers may, when necessary, be employed to assist in writing up the group books.
- (vii) On the cessation of work in the evening, the groups shall be collected and the prisoners in each group counted and verified.
- (viii) Every Warder in charge of a group working outside the Prison walls shall keep a vigilant eye on the prisoners in his group and shall not allow them to wander or go out of sight on any pretext whatever. He shall be personally responsible for their safe custody throughout the whole period of his duty. Convict Functionaries assisting a Warder in charge of an outside group shall similarly be responsible for the safe custody of the group, but their responsibility shall in no way diminish, or detract from the responsibility of the Warder. Prisoners working

all day at a distance from the Prison should be provided with a temporary latrine in close proximity to the work and under the eye of the Warder in charge. A Warder in charge of a group inside the Prison shall accompany any of the prisoners of his group when they go outside the Prison, leaving the prisoners remaining inside, in the charge of Convict-Functionaries. Only Warders of experience should be placed in charge of outside groups. Prisoners who have been appointed as Convict Functionaries shall be deployed on night guarding under the close supervision of Prison guards.

The barracks shall be guarded inside by Convict-Functionaries and shall keep night watch over Prisoners. They shall report any untoward incident to the notice of sentry on duty immediately and report be entered in the register maintained by them and shall be responsible for escapes from sleeping barracks.

#### **5.05 Evening count, lock-up, and disposal of keys**

After completion of the evening parades, the first section of night guard shall be brought inside the Prison by the patrolling officer; the Deputy Superintendent, Assistant Superintendents and Head Warders shall then count the prisoners in their wards, cells or other compartments. When all the prisoners except the Convict-Functionaries at the walls and those who are to take part in the first watch, have been locked up, the total number of prisoners shall be verified. If found correct, the patrolling officer shall then post the first section of night guard on the main wall on their respective beats and a Head Warder shall then collect the Convict- Functionary patrolling the walls, take them to the latrine and ablution platform and thereafter count and lock them up. The number of prisoners locked up in each ward of other building, as well as the total number of prisoners in the Prison, shall be shown in the lock-up register, to which the Deputy Superintendent shall append his signature in token of its correctness.

On the completion of the lock-up, the keys of the wards, cells and other compartments where prisoners are confined, shall be collected and counted in the presence of the Deputy Superintendent who shall note the number in the lock-up register. He shall then lock the keys into the receptacle provided for the purpose at the main gate and make over the key of such receptacle to the patrolling Officer of the first watch. Each patrolling Officer shall in turn make over the key to his successor, and the Officer of the last watch shall deliver it to the Deputy Superintendent on his entering the Prison in the morning. The keys of the cook-house and of the wards in which the Cooks and Convict Functionaries for the night duty are confined shall also be placed in the charge of the Night Duty Officer (NDO).

A register depicting name & particulars of Prisoners lodged in each Barrack / Block shall be maintained.

#### **5.06 Custody of (dangerous) prisoners**

Special precautions should be taken for the safe custody of dangerous prisoners whether they are awaiting trial or have been convicted. On being admitted to the Prison they should be

- (i) placed in charge of trustworthy Warders,
- (ii) confined in the most secure building available,
- (iii) as far as practicable confined in different barracks or cells each night,
- (iv) thoroughly searched at least twice daily and occasionally at uncertain hours (the Deputy Superintendent must search them at least once daily and he must satisfy himself that they are properly searched by a trust worthy subordinate at other times), and



- (v) fettered if necessary (the special reasons for having recourse to fetters should be fully recorded in the Superintendent's journal and noted in the prisoner's history ticket). They should not be employed on any industry affording facilities for escape and should not be entrusted with implements that can be used as weapons. Warder on taking over charge of such prisoners must satisfy themselves that their fetters are intact and the iron bars or the gratings of the barracks in which they are confined are secure and all locks, bolts, etc., are in proper order. They should during their turns of duty, frequently satisfy themselves that all such prisoners are in their places, and should acquaint themselves with their appearances.

#### **5.07 Letting out cooks to prepare early morning meal.**

When it is necessary to let out cooks before day-break to prepare the early morning meal, the patrolling Officer shall, at the hour fixed let out the necessary number and put them in charge of a Warder or Convict-Functionary as may be directed.

#### **5.08 Opening wards at night, precautions to be taken**

Should it be necessary to open a sleeping ward at night for purpose other than the emergency of fire, the Deputy Superintendent or Assistant Superintendent and Night Duty Officer (Assistant Superintendent) are present except in the case of fire.

#### **5.09 Locks to be out of reach**

The locks of the doors of all sleeping wards and cells shall be so arranged that no prisoner can reach them from the inside.

#### **5.10 Custody and control of prisoner outside the Prison**

A prisoner, when being taken to or from any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison-officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same restrictions as if he were actually in prison.

#### **5.11 Police guards to be provided under certain conditions**

Whenever it is necessary to place prisoners in confinement in any place without the walls of the Prison, the Superintendent shall apply to the Superintendent of Police for such Police guard as may, in the opinion of the latter Officer, be necessary and the Superintendent of Police shall supply such guard accordingly.

#### **5.12 Responsibility of Police guards when guarding prisoners**

In every case in which any prisoners are guarded by the Police under the provisions of the preceding paragraph, the responsibility for the safe custody of the prisoners shall rest with the Police.

#### **5.13 Action when any prison becomes temporarily insecure**

If, from any cause, any prison, at any time becomes temporarily in-secure, the Superintendent shall inform the Superintendent of Police of the fact, and it shall be the duty of that officer to supply such Police guard as he may think necessary to provide for the safety of the prisoners until the prison is made secure.

#### **5.14 Perimeter security**

The Head of Prisons Department shall review once every year the quantum and type of perimeter security to be provided to each Prison/institution, including Sentries to be posted on watch towers and other key locations and

patrolling within the premises and outside the main wall of the Prison/institution. These reviews shall be done in consultation with the Deputy Inspector General of the Range in which the prison/institution is located. Over all security cover shall be provided through adequate strength of armed police or Para-military forces depending on the security grading of the prison/institution determined in such security reviews.

### **5.15-Armed Sentry**

The watch towers, main gate and bunker at RP Gate will be guarded by armed sentries of PMF and other portions of the prison establishment will be guarded by warders without arms but preferably with Batons during night hours. The warder establishment will supply sentries and guards to the internal and external posts. All these guards and sentries will perform duties in rotation.

Armed sentries will perform duties in two hourly shifts. It is the duty of a sentry, both in day and night, to challenge all unknown or suspicious persons approaching his beat, forbidding them to approach nearer than less they can satisfactorily account for themselves or, at night, give the password. No convict will be permitted to approach within 5 meters of any sentry. It is the duty of a sentry to resist all attempts to break into or out of the prison or of any part of it and to prevent escape or illicit communication with prisoners. At night every sentry will report to the Patrolling Officer if anything suspicious or unusual comes to his knowledge. He will give the required assurance that all is well each time the Patrolling Officer passes by. The sentry on duty will carry the required arms & ammunition, which will later be handed over to the relieving sentry.

### **5.16 Relief and Supervision of Sentries**

As a rule, sentries will be relieved at the end of every two hours. During the day the Assistant Superintendent will conduct the relief, and at the same time check and satisfy himself that the sentries are alert and attending to their duties properly. To discharge these functions during the night, two Patrolling Officers will be appointed from among the senior second grade warders. Each Patrolling Officer will record the hour of his visits by appropriate means.

### **5.17 Morning and Evening Muster of Reserve Guard**

Before the prison is unlocked in the morning, the Quick Reaction Team and warders whose duties for the day have not been fixed will be mustered under arms outside the main gate, and the Assistant Superintendent will at once post the day sentries. The guard will be drilled and afterwards shall remain under arms till the entire team is marched out and dismissed to the guardroom. The Quick Reaction Team will again be under arms from the hour fixed for the cessation of work till the prisoners are locked up for the night.

### **5.18 Salutes by Armed Guards**

Guards and sentries will necessarily salute to the persons mentioned in column (1) of the table below in the manner mentioned in column (2) thereof:-

**TABLE**

<b>Person</b>	<b>Manner of salute</b>
<b>(1)</b>	<b>(2)</b>
The Head of Prisons and correctional services department. The Deputy Inspector General, Official and the Superintendent, Additional Superintendent	By presenting arms
All other Gazetted Officers, Official Visitors and Deputy Superintendent.	By sloping arms and placing the right hand smartly on the butt, fingers extended.

Explanation.- The Guard Officer will always bring it to the notice of the Deputy Superintendent, any failure on the part of the sentry to comply with this rule. As a rule the guard will not be turned out under arms for saluting purposes after sunset.

### **5.19 General Guarding Duties**

The general guarding will be undertaken by the warder establishment. They will carry on the internal and external guarding of the prison, the supervision of the prisoners during labour hours as well as the work of guarding and maintaining security of wards, blocks, workshops, tools and plants and other government properties, posts and tower.

### **5.20 Guarding Requirements**

The charter of functions of the guarding staff shall be:

- (i) The sentry or guard will on no account quit his place/area of duty without being relieved. In case he finds himself incapacitated due to sudden illness or any other reason to perform his duties, he will send intimation to the officer in charge who will make necessary arrangements.
- (ii) No sentry or guard while on duty will take off his uniform.
- (iii) Guards and sentries will be made to understand their duties and responsibilities. They will not hold any communication with any prisoner, unless it is required as a part of his official duty.
- (iv) The officers and men of the Guard are strictly prohibited to bring anything from outside the prison to any prisoner and from receiving anything from a prisoner to be conveyed outside the prison.
- (v) In case any prisoner attempts to escape, the guard will at once raise an alarm and will also prevent damage to Government property.
- (vi) All guarding personnel, being part of essential services, will be deemed to be on duty round the clock and will not be allowed to leave the premises without permission of the competent authority.
- (vii) The Assistant Superintendent will maintain a daily report book in which they will record all important events and reports of disposals or incorporation to be shown for appropriate action.

### **5.21 Maintenance of Duty Roster**

A Duty Roster will be maintained in each prison and institutions for its personnel. The authorized officer will be responsible for the proper maintenance of this register. The register will contain all the names of guards on duty with their hours of duty and their signature for having understood the duty hours. The register will be sent to the Superintendent through proper channel every day for checking and getting his signature.

It shall be the responsibility of the Assistant Superintendent and the Deputy Superintendent to ensure that the warders stick to their area of duty according to the Duty Roster and any violation in this regard will be immediately brought to the notice of the Superintendent. The Superintendent/ Additional Superintendent will also verify this during his surprise visits to different parts during day and night. Care will be taken that the night duty is allotted in rotation.

### **5.22 Custody of Arms**

The concerned Deputy Superintendent /Assistant Superintendent will be responsible to make sure that arms are never left within the reach of prisoners. All necessary arms when not in use will be kept in the guardroom. The approach to the guard room will be from outside the main gate.

### **5.23 Custody of Articles Facilitating Escape**

The Deputy Superintendent, Assistant Superintendent and guards will be responsible to ensure that no ladders, planks, bamboos and ropes, which are likely to facilitate escape, are left lying about. If such materials are to be taken inside for use these will be properly escorted and will be sent out of the prison after use. Every warder in

charge of a workshop will be responsible to see that all such articles are properly secured and put away when work ceases and give a certificate to that effect in the lockup register.

#### **5.24 Use of Weapons against Prisoners**

Any officer or member of the guarding staff, of a prison may use bayonet, or any other weapon, against any prisoner when he is found to be:

- a. Escaping or attempting to escape if the officer or member of the guarding staff has reasonable ground to believe that he cannot otherwise prevent the escape.
- b. Engaged in any outbreak or attempt to force or break open the outer gate or enclosure wall of the prison individually or collectively, provided that he may use the weapon only if such an outbreak or attempt continues.
- c. Using violence against officers of the prison or other persons, provided that there is reasonable ground to believe that the officer of the prison or any other person is in danger of loss of life or limb or that serious injury is likely to be caused to such officer/person.

Before using firearms against prisoner, the officer, or the member of the guarding staff, will give a loud and clear warning to the prisoner that he is about to fire on him.

No officer of the prison will use arms of any sort against a prisoner in the presence of his superior officer, except under the orders of such a superior officer, or if it is in self-defence. In all cases requiring the use of force only minimum force, in the given circumstance, shall be used.

#### **5.25 Transport of Arms and Ammunition**

All consignments of arms and ammunition sent by any means of transport will be put in sealed boxes and escorted by an appropriate armed guard. It will be the duty of the escort to guard the arms and ammunition against any contingency.

When the arms of the Prison Department are to be dispatched to stations outside the State for repairs, they will be entrusted to the Police Department. A police party will escort these arms along with the arms of the Police Department, if any. When there are no arms of the Police Department to be escorted and a police party has to be provided exclusively for escorting the arms of the Prison Department, the expenditure incurred in connection with the journey of the escort will be borne by the Prison Department.

#### **5.26 Security of Locks and Bars**

All lock and bars and other fastenings must be regularly checked by the warder in charge and a report to the effect must be given to the Assistant/Deputy Superintendent.

All duplicate keys for the locks must be kept in a sealed box under the custody of the concerned Deputy Superintendent. No keys should be left behind unaccounted for and no prisoner will have any access to the prison keys. All the block keys when not in use must be kept in an almirah or key box at the gate or at the tower in the custody of the gate keeper or Head Warder (Tower), as the case may be. Every prison will be equipped with a generator with an automatic switch so that if power fails, then generator automatically switches on and all security gadgets will function without any interruption.

#### **5.27 Dynamic Security**

Prisons will be run on the basis of dynamic security. Dynamic security depends on the use of alternative methods for which interaction with prisoners will be a pre requisite to make them aware of what is going on and to ensure them that they are being kept in safe and humane environment. It is not only means of preventing escape but also maintaining constructive relations with prisoners. The staff will also be made to understand that security not merely implies guarding the wall and fence and electronic surveillance, but also action engendering a sense of protection and mutual trust.

#### **5.28 Admission of Prisoners**

No person will be admitted in a prison as a prisoner unless accompanied by a writ, warrant or order affixed with photograph of the accused in the prescribed form, signed, dated and sealed by the competent authority. There will be a separate writ, warrant or order for every prisoner, even if two or more prisoners have been jointly charged. Admission of new comers shall be carried out before sunset and after sunrise only.

Before admitting a prisoner, the Assistant/Deputy Superintendent will examine the warrant and by questioning the prisoner regarding his name and other particulars, and by verifying the identification marks of the prisoner with those mentioned in the warrant, will satisfy himself that he is the person referred to in the warrant. In the event of a prisoner refusing to answer the Assistant/Deputy Superintendent, or denying the accuracy or the particulars entered in the warrant, the officer on duty will request the officer in charge of the Police or Military escort to identify the prisoner on the basis of information at his disposal as the person named in the warrant.

A manual/handbook containing rights and duties of the prisoners as provided in Appendix-1 shall be handed to the prisoner upon admission.

### **5.29 Procedure of Warrant**

If, in any case, the Superintendent is in doubt as to the legality of any warrant or order of commitment received by him with any prisoner admitted to the prison, or as to the competency of the person whose official seal and signature are affixed thereto, to pass the sentence and issue such warrant, he shall proceed in the manner provided below.

If any error of omission, which in the opinion of the Superintendent is due to mere oversight or mistake, is found in any warrant or order or, if the sentence or order passed, though within the competency of the tribunal or authority which passes it, is in any way defective in form or otherwise irregular, he may receive the prisoner subject to reference to such tribunal or authority, as the case may be, for orders.

### **5.30 Examination of Warrant**

All warrants shall be examined to ascertain whether these conform to the Code of Criminal Procedure, 1973 and the Orders of the Supreme Court of India.

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|---------|--|
| Note 1: | A warrant ordering imprisonment without specifying whether it is simple or rigorous imprisonment, or an undated, unsigned or unsealed warrant shall be returned for correction.  |
| Note 2: | The amount of solitary confinement ordered on a warrant is dependent on the term of sentence and should not be more than what is allowed under Indian Penal Code, 1860.  |
| Note3:  | The Superintendent of a Jail is justified in refusing to receive or detain a prisoner in prisons on a warrant to which a signature is not affixed with a stamp.  |
| Note4:  | All warrants should be signed in full (not initials) by the judge or magistrate who issues it and should have the seal of the court.   |
| Note5:  | In the case of persons, on whom separate sentences are passed, care should be taken to state the dates from which each sentence is to have effect in the warrant of commitment.  |
| Note 6: | In the case of under-trial prisoners, the warrant of commitment for intermediate custody should be prepared with the greatest care possible with reference to the above instructions.  |
| Note 7: | The Superintendent of a Jail should not refuse to admit a person where the above instruction have not been carried out, but he should draw the immediate attention of the magistrate concerned to the defect, and ask for its rectification at once. He should also send a copy of his letter to the magistrate of the district for his information. |

Note 8: Warrants for the release or remission of sentences of prisoners confined in prison and for the release of prisoners on bail and intimations of payment of fines sent to prison authorities should always be prepared in the vernacular of the officer issuing the order and should be signed in full by such an officer and sealed with the seal of his court. They should be sent to the prison authorities through an official messenger of the court or through the agency of the post and not through the friends or relatives of prisoners.

Note 9: There should be a separate warrant or notice for every prisoner even if 'two or more prisoners have been jointly charged or convicted.

### **5.31 Copy of Warrant returned for correction to be kept**

When a warrant is returned for correction, a copy shall be retained in the appropriate compartment of the warrant almirah until the original is returned. Blank forms of warrants shall be kept for this purpose.

### **5.32 Procedure when the legality of a Warrant is in doubt**

When an officer in charge of a prison doubts the legality of a warrant or order sent to him for execution, or the competency of the person whose official seal and signature are affixed thereto to pass the sentence and issue such warrant or order, he shall refer the matter to the administration, by whose order on the case he and all other public officers shall be guided as to the treatment of the prisoner.

Pending a reference made under sub-section (1), the prisoner shall be detained in such manner and such restrictions or mitigation as may be specified in the warrant or order.

### **5.33 Checking of Prisoner's Property**

The concerned Prison Officer/Additional Superintendent will give a receipt in a printed form to the officer who delivers a prisoner at the prison noting therein the property received with the prisoner, which will be carefully examined and shown to the prisoner at the time of his admission. The prisoner's acknowledgement that he has seen the property and that it is correctly recorded in the relevant register will, at the same time, be noted in the Admission Register.

### **5.34 Prisoners to wash themselves and their clothing**

On admission to prison every prisoner will be required to wash his person and his clothing thoroughly. If an epidemic disease exists in the neighbourhood from which he comes, his clothing will also be disinfected. In such cases special care will also be taken to cleanse the prisoner's person.

### **5.35 Search of Prisoners on Admission**

Prisoners will be thoroughly searched by a prison official. Female prisoners will be searched by female staff. Prisoners will wash and be searched in their yard or respective cell and not in the presence of other prisoners. Searches of prisoners will be made, with due regard to decency and with reasonable privacy.

### **5.36 Removal of Articles from Prisoners**

During the search, every article, whether clothing, bedding, jewellery, money documents or otherwise, will be taken away from the prisoners to whom prison clothing and bedding will be issued in accordance with the rules. From prisoners every article will be taken away except personal clothing. Other necessities of life such as bedding will be permitted by Director General /Inspector General of Prisons.

### **5.37 Reception Ward**

Prisoners, on first admission to prison will be kept in a separate reception ward until the initial formalities for his placement there are completed. The procedure to be adopted on their admission will be asunder:

- (i) Haircut and shave, issue of soap and disinfecting lotion.

- (ii) Disinfection and storing of prisoners' personal clothes and other personal items.
- (iii) Issue of disinfected prison clothing, bedding and utensils.
- (iv) Issue of authorized personal belongings.
- (v) Attending to immediate and urgent needs of prisoners, like letters, interviews, family welfare, immediate personal problems, etc.
- (vi) Verification by the Deputy Superintendent/Assistant Superintendent in charge of admission of committal papers, identification marks, entries in registers, prisoners 'cash property, appeal and other legal matters, etc.
- (vii) Finger printing and photograph as per rules and capturing of biometric coordinates.
- (viii) Identification of prisoners suffering from substance related and addictive disorder.

### **5.38 Orientation**

Every newly admitted prisoner will be subjected to a programme of orientation so as to inform him about the rules and regulations. His rights and duties as a prisoner will be clearly displayed at each part of the prison and explained to him in a language he understands. A general assessment of his background and needs will also be made by the officials to decide the appropriate placement within the prison.

### **5.39 Preparation and Maintenance of History Tickets**

Immediately on reception of a prisoner into prison, a History Ticket shall be prepared and provided to him. Such History Ticket shall be maintained in the manner hereinafter provided, throughout the period during which such prisoner remains in confinement. His records will also be entered in the digital database of the prison.

Every History Ticket shall contain the following particulars:

- (i) The name, prisoner number and other particulars necessary for the identification of the prisoner with case details and PP including cash and belongings.
- (ii) A brief entry of every order passed and direction given relating to, and punishment inflicted on, the prisoner.
- (iii) A brief record of every other occurrence of any importance, affecting the prisoner, which takes place while he remains in confinement.
- (iv) Brief entry of particulars of family members and other relatives likely to come for the Interview.

The History Ticket of every convict shall also contain the following-

- (i) The nature of the offence of which he has been convicted and the provision of the law applicable there to.
- (ii) The date, nature and extent of the sentence passed.
- (iii) Every entry made on the History Ticket shall be done at the time of, or as soon as possible after, the occurrence of the event to which it relates, and shall be dated and signed by the officer who makes it.
- (iv) A duplicate history ticket will be issued when original history ticket is lost. The new history ticket will be marked duplicate and signed by competent authority. The ticket will be reconstructed by registering all previous entries only after the approval of Jail Superintendent.

### **5.40 Recording of entries by Medical Officer**

In the heading of the History Ticket of every prisoner, the Medical Officer shall enter, or have entered under his supervision the following:

- (i) The prisoner's weight on admission.
- (ii) His state of health.
- (iii) The class of labour for which he is fit, if sentenced to labour.
- (iv) Whether he has been protected by vaccination/ inoculation for small pox.

The Medical Officer shall maintain Medical History Sheet to record the following details pertaining to the day-to-day medical condition and treatment provided to prisoners in the prison hospital:

- (i) Details of the vaccination given and the result.
- (ii) Admission to and discharge from hospital on every occasion, with the disease for which admitted.
- (iii) Admission to and discharge from the convalescent group.
- (iv) Any complaint made by the prisoner of sickness or report of his sickness.
- (v) The action taken on any direction or recommendation of the Medical Officer or Medical Subordinate.
- (vi) The fortnightly or weekly measurement of weight.

#### **5.41 Particulars to be entered and the officers to enter them**

On the History Ticket of every prisoner, the following entries may be recorded:

- (i) The date of admission into prison.
- (ii) The number and name of every article of clothing and equipment issued on admission and later.
- (iii) The particular work and task in weight, number or measurement, to which the prisoner is put.
- (iv) Every change of work or task for reasons other than medical.
- (v) Application for a copy of judgment, if the prisoner desires to appeal.
- (vi) Receipt of the copy of judgment.
- (vii) Dispatch of appeal.
- (viii) Substance of the order of the appellate court.
- (ix) The fact of an appeal not having been made before the expiration of the term allowed for appealing.
- (x) The amount of remission awarded quarterly.
- (xi) The total remission in days earned up to the end of each quarter.
- (xii) Every prison offence alleged to have been committed.
- (xiii) Every interview allowed and the receipt or dispatch of private letters.
- (xiv) Dispatch to a court, or transfer, discharge, escape or death.
- (xv) Any recommendation of the Factory Manager or the Deputy Superintendent.
- (xvi) Action taken on any order entered by the Superintendent.
- (xvii) The number of cells in which placed on account of warrant confinement.
- (xviii) The total confinement undergone on warrant on each occasion of removal, etc.

Entries relating to point (i), (ii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xviii) above may be entered by the Assistant Superintendent. Entries relating to point (vii) may be entered by the Senior Assistant Superintendent or any other officer authorized to a ward remission, and point (xviii) by the Medical Subordinate or by an Assistant Superintendent or Dispenser if deputed to assist him. Entries relating to point (iii) shall be entered by the Factory Manager, when there is not an officer of this grade, it shall be entered by the Deputy Superintendent but in large Prisons a portion of the duty may, under the orders of the Superintendent, be performed by the Assistant Superintendent. The duty of making entries regarding point (iv) and (xvi) shall not be delegated to any officer subordinate to the Deputy Superintendent.



Entries to be made by the Superintendent:

On the History Ticket of every convict, the Superintendent shall record :-

- (i) Any special order he may have to give related to any prisoner, e.g. the imposition or removal of fetters, permission to hold an interview or write a letter, separation by night.
- (ii) The award of every punishment.
- (iii) Sanction for employment on extra – mural work.
- (iv) Promotion to the grade of Convict-watchman, Convict- overseer or Convict warder.
- (v) The award of special remission.

#### **5.42 Custody and Management of History Tickets:**

The History Ticket of each prisoner shall be kept in safe custody of the in-charge prison officer, and shall be produced by him whenever required by senior officers. The History Ticket shall accompany the prisoner whenever he is transferred from one group to another or from one kind of work to another or is sent to a hospital.

At the weekly parades, each prisoner shall hold his ticket in his hand and for inspection. The History Ticket shall be produced, with the prisoner, whenever he is reported for an offence, or is brought before the Superintendent or Medical Officer for any reason.

#### **5.43 Retention of History Ticket after release or death:**

The History Ticket of every prisoner shall be retained in safe custody—

- (i) In the event of his escape, for one year
- (ii) In the event of his release, for one year
- (iii) In the event of his death, for two years after it occurs and
- (iv) In the event of release on bail, for a year after the result of appeal is known.

#### **5.44 Admission Register**

There will be an Admission Register for all prisoners admitted to the prison. Where possible, this register will be maintained in electronic form. The admission register will contain basic description of the prisoners in terms of name, parentage, home address, and legal status, date of admission and committal courts. This register will be maintained by Assistant Superintendent or equivalent in prescribed form. The entries in this register will be numbered serially.

#### **5.45 Personal Information System & Aadhaar Seeding of Prisoners.**

The use of advanced technology/software systems in the form of Personal Information System (PIS) should be encouraged for recording personal details of inmates including maintaining a record of their personal belongings and property (as mentioned in Para 5.42).

Considering the importance of Aadhaar number, every prison shall ensure the Aadhaar seeding of its inmates which will help in his/her day to day affairs during imprisonment. It is expected that Jail Superintendent shall tie-up with the Local UIDAI for preparation of Aadhaar Card in respect of prisoners who have not enrolled for it and also to put in place a system for Aadhaar verification.

#### **5.46 Use of Register number**

The register number thus given will be the means of identifying the prisoner- a fresh number being given on every transfer to another prison. The articles of clothing and bedding of each prisoner sentenced to rigorous presentment for life will be marked with his number, and in all official communications the number will precede the name, e.g. Convict No.60 Dorjey. If a prisoner has to undergo two or more sentences under different warrants it is not necessary to re-enter him in the convict register on the expiry of one sentence or to give him another number. However, every prisoner will be called by his name and not by his number in the register.

#### **5.47 Record of date of release, etc.**

In the case of convicts, the date on which the sentence will expire will be entered in the Convict Register. If the convicts are under sentence for less than three months, an entry of his number will be made in the release diary to be released under that date, but if the sentence is for three months or more, the date of expiry will be entered on his Remission Sheet. At the same time, the prisoners' register number, name, sentence, date of sentence and date of release will be endorsed on his warrant and the endorsement will be signed by the Competent Officer after examination and comparison with the body of the warrant and with the entries in the Convict Register. In cases where imprisonment is awarded in default of payment of fine, the alternative dates of release will both be included in the endorsement on the warrant, in the Convict Register, release diary and Remission Sheet.

#### **5.48 Custody of Warrants**

Prisoners' warrants will be arranged according to dates of release and kept in monthly bundles, the warrants of prisoners to be released in a particular month being placed in one bundle and each bundle being docketed outside with the month and year. They will be kept in a locked drawer or almirah of which the Assistant/Deputy Superintendent will keep the key. Copies of judgments, orders of appellate courts and orders of administration, disposing of prisoner's petitions, together with correspondence relating to payment of fine, classification and the other connected records will be filed and kept with the warrant of the prisoner to whose case they relate. The final disposal of warrants will be made as prescribed in the rules.

#### **5.49 Medical Examination of Prisoners**

The weight of prisoners on admission will be taken in the presence of the Medical Officer and be verified by him. If the Medical Officer is not present when prisoners are admitted to prison, they will be weighed by the medical subordinate on duty during admission if possible and in any case not later than the following morning. Their weight will be noted at the time in a book kept at the main gate, to be subsequently verified by the Medical Officer when their examination takes place. The Medical Officer will carefully examine the prisoner and will himself record the findings in the proforma (Appendix-2) for health screening on admission. The Medical Officer will also supervise the entry of the prisoners' identification marks, which may be noted by the Medical Subordinate. Medical Examination of prisoners will be made with due regard to decency and with reasonable privacy.

If a prisoner looks younger than his age, the matter may shall be referred back to the court concerned after the due medical examination on the determination of his/her age for further directions, as no juvenile shall be kept in prison in any case and they are sent to the juvenile institution laid down in the Juvenile Justice Act. 5.50 Certification of Appropriate Class of Labour

In the case of convicts sentenced to rigorous imprisonment or imprisonment for life, the Medical Official and Dy. SP will enter the class of labour on which he will be employed in the appropriate column of the Convict Register and History Ticket. A corresponding entry will also be made in the History Ticket of the convict.

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## CHAPTER VI

### MAINTENANCE OF PRISONERS

#### 6.01 Food

Prescribe the diet plans for prisoners in such a manner that the energy requirements given below are met

#### **Energy requirements of Indians**

	Category	Body weight kg.	Net energy (kcal/d)
<b>Man</b>	Sedentary Work	60	2320
	Moderate Work		2730
<b>Women</b>	Sedentary Work	55	1900
	Moderate Work		2230
	Pregnant Women		+350
	Lactation		+600
	0-6 months		+520
	6-12 months		

Reference: Indian Council for Medical Research, Nutrient Requirements and Recommended Dietary Allowances for Indians

#### 6.02 Requirements of pregnant and nursing women

During pregnancy and lactation, a woman needs more protein and minerals than otherwise. The extra protein can be obtained by substituting a part of the cereal portion of the diet with more milk, fish, meat and eggs, and in the case of vegetarians by concentrating more on milk and milk products. This would also ensure the necessary additional supply of minerals.

#### 6.03 Nutrients required

The nutrients required in a person's daily diet, their quantities and the common sources of nutrients are indicated in the table below:-

S.N	Nutrient	Requirement	Sources
1.	Protein	1 g. per kg. of weight body	Pulses, rice, wheat, milk, fish, meat, eggs, etc.
2.	Fat	50 g.	Oils, butter, ghee, milk, eggs, etc.
3.	Carbohydrate	300 g.	Cereals, sugar, jiggery, milk, root vegetables such as potato, etc.

4.	Minerals: a. Calcium	0.65g.for adult, 1g.for child	Milk, milk products, eggs, green, vegetables, un-husked cereals and whole gram
	b. Iron	12.15 mg.	Vegetables, fruits, fish and meat
5.	Vitamins; a. Vitamin A	3,000 to 4,000 LU.	Leafy vegetables, milk, fish, liver oils, yellow vegetables, eggs, carrot and yellow sweet potato
	b. Vitamin C	50mg.	Tamarind, amla, guava, all citrus fruits, eggs, lime, orange etc., and sprouted pulses, leafy vegetables.
	c. Vitamin D	400 LU.	Fish, liver oils, milk
	d. Vitamin group		
	i. Thiamin	1 to 2 mg.	Under milled cereals and pulse, parboiled rice, whole wheat
	ii. Riboflavin	1.8 to 3.0 mg.	Leafy vegetables, eggs, fish, milk and milk products
	iii. Nicotinic acid	10 to 15 mg.	Under milled cereals, pulses and parboiled rice

#### 6.04 Scales of Diet

Accordingly, in view of the geographical and climatic requirement, the following diet scales is adopted and to be followed per prisoner per day in the UT of Ladakh

(i) **For all prisoners :**

S. No.	Items of diet	Quantity	Calories
1.	Cereals	500 g.	1725 Wheat: Rice
2.	Pulses	100 g.	360
3.	Vegetables a. Green Leafy	200 g.	52
	b. Roots and tubers c. Other	100 g.	97
4.	Fish or meat	100 g once a week	118
	Or Chicken		109
	Or Cheese		292

5.	Milk + Curd	200 ml(150+50)	175+30 = 205
6.	Salt	5 g	-
7.	Turmeric	2 g.	
8.	Ginger	5 g.	3.5
9.	Coriander	3 g.	2
10.	Jeera/TejPata	5 g.	-
11.	Chillies	3 g.	-
12.	Onion	25 g.	15
13.	Coffee or tea Ladakhi/Other)	3 g	-
14.	Sugar	20 g.	80
15.	Oil	25 g. (10 g. extra on non-veg. days for frying)	225
16.	Garlic	5 g.	75
17.	Kachori Kulcha/Band//GirdaRoti	2 Pcs	150
18.	Butter	10 Gms.	72
19.	Oil for massage	30 gms once a week	-
20.	Cooking Gas (10gms extra on non-veg. days)	190 Gms	-

(ii) **Additional Diet for pregnant and lactating women Prisoners :**

S. No.	Items of diet	Quantity	Calories
1.	Milk	250m.	292
2.	Jaggery	10g.	39
3.	Vegetables/Salad	150g.	100
4.	Fish/Meat	100g.	118
5.	Curd	150 ml.	90
6.	Fruit	100 g/01 Piece	70

Arrangements for heating and boiling water/milk shall be made available for lactating mothers.

(iii) **For children between three and six years:**

S. No.	Items of diet	Quantity	Calories
1.	Cereals	120 g.	416
2.	Pulses	30 g.	108
3.	Vegetables	125 g.	65
	(i) Green Leafy		
	(ii) Roots and tubers	125 g.	119
4.	Fish or meat or Curd	50g.	59
		150ml	90
5.	Milk	350 ml.	410
6.	Salt	Less than 5g.	-
7.	Oil	25 ml.	225
8.	Egg	1	87
9.	Sugar	20 g.	80

Fresh Fruit be also provided to the children between 3 to 6 years of age as per the quantity prescribed by the Medical Officer.

Children below three years age may be allowed such diet as the Medical Officer may order for them. No reduction or alteration in the prescribed diet and scales shall be made except under special circumstances and with the prior approval of the Head of Prisons Department. If, on the recommendation of the Medical Officer, the Superintendent considers the prescribed diet to be unsuitable or insufficient for a prisoner for reasons of his health or his peculiar mode of living, he may order, in writing, a special diet, or add extra calories in the diet of such a prisoner, subject to formal approval of the HoPD.

Note.—LPGs/gratifier/solar heating may be provided in the prison for cooking and allied purposes subject to safety norms and preventing misuse.

### 6.05 Food ration

Every prisoner shall have following meals a day according to the scales prescribed. These shall be:

- (i) A light meal in the morning before the hour of work;
- (ii) A midday meal;
- (iii) Evening tea and
- (iv) An evening meal (dinner) before prisoners are locked up for the night.

The quantity of ration to be issued for each meal shall be as prescribed in Diet Chart. The articles of diet provided for mid-day and evening meals may be suitably divided between the two meals. Prisoners who observe religious fasts may receive extra articles of foods suitable for such fasts [such as potatoes, fruits, dates, sweet dish etc.], or may have the whole or a part of their meal at a place and time of day, as may be allowed by orders of the Jail Superintendent for proper observance of fasts by them.

### 6.06 Hospital diet

A suitable hospital diet may be prescribed on the advice of Medical Officers/Medical Officer (in charge)

### **6.07 Cleaning, Storage and Issue of Food Items**

Care should be taken to see that all grains are properly cleaned before issuing to the millhouse for grinding and that the flour is carefully sieved and kept in covered bins.

Rice should be separated from husk, dust, or other particles, before issuing for cooking. The quality and seasoning of rice should be such that weight of the cooked rice is about 3 times its weight in uncooked state. This should be frequently tested by weighing.

All items of diet, as well as the fuel for cooking, shall be weighed daily at the time of being issued to the cooks by a responsible officer not below the rank of an Assistant Superintendent, especially appointed for the purpose by the Superintendent. They shall be issued in a fully prepared state or, if this is not possible, with a full allowance for any loss which might occur during preparation. The Superintendent shall, however, ensure that the correct weight and quality of the ration is issued.

The quality of these items should be regularly checked by the Medical Officer. Where chapatti/bread is given to prisoners, the same should be prepared in prescribed weights for different classes of prisoners, and cooks should be informed beforehand of the prescribed weights. Dal should be husked and un-husked grains properly cleaned out before cooking.

Vegetables issued shall be free from stalks and leaves and shall be cut for cooking before being weighed and delivered to the cooks. Potatoes or other root vegetables should form at least one-third of the total quantity of vegetables. All vegetables should be examined daily by the Sr. Medical Officer or his subordinate Medical Officer.

An allowance of 25% extra shall be given for heads, tails, fins, scales and entrails when whole fish is issued and for bones when mutton is used.

Milk shall be stored in a properly cleaned and well-ventilated place. Milk shall be issued to prisoners on special/medical diet only after boiling. Boiling should be done in the hospital enclosure under the supervision of a responsible officer who shall be responsible for its proper usage from the time it is obtained till its final distribution.

In preparing curds, no water should be mixed with the milk before boiling.

### **6.08 Cooking**

Cooking may be done in stainless steel vessels. All cooking utensils must be kept clean and shining and the kitchen and eating area too must be clean and tidy. Modern cooking facilities may be made available in the cook house/kitchen.

Special care shall be taken to ensure that all vessels, in which milk is kept, are perfectly clean. All vessels should be scalded and cleaned with boiling water immediately after use. These must not be left un-cleaned.

All cooked food should be kept covered until it is distributed and appropriate arrangements (in the form of freezers, refrigerators, etc.) shall be made for storage of perishable items.

The Superintendent and the Medical Officer shall exercise utmost vigilance in the supervision of food supplies, and when the food is cooked and is ready for distribution to prisoners, they shall make surprise inspections, at least once a week, in addition to routine inspections. At these inspections the weight and taste of the food distributed shall also be checked.

Measuring equipment used for issuing ration to the mills, and that used in the kitchen, shall be checked by the Superintendent at least once a month if not more often. Surprise checks of the measuring equipment should be made by duty officers at least four to five times a month.

Cooks found tampering with food or scales shall be severely punished.

### **6.09 Cooks**

Cooks shall carry out all preparations and processes necessary after being issued the daily supplies and shall prepare the food with due care and attention. They should wear clean aprons while preparing/ handling food.

Inmates undergoing imprisonment for six months or less, wherever available, may be employed to clean rice, peel and cut vegetables, clean cooking utensils and keep the kitchen clean and tidy.

#### **6.10 Distribution and service of food**

HoPD may prescribe the time for serving morning, mid-day and evening meals in prisons. Such timing would be prescribed depending on the temperature of the region and other local factors.

Meals should be served fresh and hot. In cold regions/during winter season, appropriate heating methods will be utilized to keep food warm and suitable for consumption. The receptacles used for carrying food shall be provided with well fitting lids. All food shall be carefully protected from flies and other insects.

Fifteen minutes before the distribution of each meal, a bell may be sounded. Prisoners should then cease work, wash their hands and face and queue up for food distribution, after which the cooked food shall be distributed by the cooks in the presence of a responsible prison officer not below the rank of an Assistant Superintendent. They shall see that food issued to any prisoner is not taken away by another or is otherwise wasted.

After service of food at least twenty minutes time shall be allowed to prisoner to eat the food. Except with the permission of the supervising officer no food is to be taken away from the dining area by any prisoner to eat it elsewhere.

When the meal is finished, the prisoners shall proceed to the washing platform where two tubs shall be placed. Prisoners shall put any refuse food left in his plate into these tubs, separating rice or chapattis from curried food. They shall then wash their hands and mouths as well as their utensils. The floors and platforms shall be cleansed immediately after the prisoners finish their meals.

#### **6.11 Eating and drinking vessels**

Every prisoner shall be provided with asset of eating and drinking vessel. All vessels will be made of stainless steel and shall be of a uniform material and pattern.

#### **6.12 Complaint about food**

Any complaint regarding food shall be enquired into on the spot by the supervising officer. He shall decide whether the complaints well founded or not and then take necessary action. Every complaint regarding food shall be reported to the superintendent. If the complaint is valid and is due to the fault of any prison official, the Superintendent shall take such action as he deems fit and shall record his orders. Any prisoner making false or malicious complaints shall be punished.

It shall be the duty of Jail Superintendent to randomly check and taste cooked food and a register be maintained for record and remarks.

#### **6.13 Daily inspection of food**

The Superintendent and the Sr. Medical Officer/Medical Officer (incharge) shall exercise utmost vigilance in the supervision of the food supplies and all articles issued for consumption shall be inspected daily by the Medical Officer, or in his absence by his medical subordinates. The inspecting officer shall especially see that the vegetables issued are of good quality. He shall bring to the notice of the Jail Superintendent any defects in quality detected during such inspections.

#### **6.14 Inspection of cooked food**

It is highly important that the food is properly cooked, and that its full quantity reaches the prisoners. Once a week, when the food is cooked and is ready for being served, it shall be inspected, without prior notice, and its quality and weight shall be checked by the Jail Superintendent and the Medical Officer. They shall record the result of their inspection in their journal.



### **6.15 Weighing of articles of food**

All articles of food issued for consumption shall be weighed daily by the officer in charge of diet. He shall ensure that proper quantity of food is issued for every prisoner. From time to time, the Superintendent shall himself check the issue of ration. Metric weights and measures shall be used for weighing or measuring rations and food and a proper set of scales, weights and measures shall be maintained in every prison. These shall be frequently tested by the Additional Superintendent for their correctness.

### **6.16 Disposal of complaint by prisoner**

The officer in charge a Block must ensure maintenance freighter (which may be electronic form) for recording feedback of inmates related to the quantity, quality or preparation of food being served to them. If any complaint is made by a prisoner regarding the food, it shall be at once enquired into by an Assistant Superintendent. If the complaint relates to the quantity of food received, the ration shall at once be weighed in front of the prisoner making such complaint.

### **6.17 Power to sanction change in diet**

The Administration may direct a change in the diet, prescribed by the convicting courts, in the case of individual prisoners. Other than that change in the prescribed diet shall be made only in unavoidable circumstances when the prescribed food items are not available. In such events all changes in the prescribed diet shall be reported to the HoPD.

When a prisoner is hospitalized, his diet may be changed or modified by the Superintendent on the recommendation of the Sr. Medical Officer. In case this change of diet has to continue for more than a month, the concurrence of the Deputy Inspector General Range shall be obtained by the Superintendent.

### **6.18 Control of Hospital diet**

The control of diet of a prisoner in hospital shall be the responsibility of the Sr. Medical Officer and he may order such extras, as he considers necessary, while doing so, he shall also keep in mind the costs involved, which should not be excessive.

### **6.19 Maintenance of certain prisoners from private sources**

A civil prisoner or an un-convicted criminal prisoner shall be permitted to maintain himself, and to purchase or receive from private sources at proper hours, food, clothing, bedding or other necessities, but subject to examination and to such rules as may be approved by the Inspector General Prisons (HoPD).

[Section 31 of the Prison's Act, 1894] 6.20

### **6.20 Restriction on transfer of food and clothing between certain prisoners**

"No part of any food, clothing, bedding or other necessities belonging to any civil or un-convicted prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as Superintendent thinks proper."

[Section 32 of the Prison's Act, 1894]

### **6.21 Modified diet for foreigners**

Where a foreigner is not accustomed to the diet scale mentioned in these rules, the Medical Officer may recommend such modified diet as he deems fit.

### **6.22 Scale of Vegetables**

The scale of vegetables shall be calculated after all the hard stalks and fibrous mid ribs have been removed.

### **6.23 Prison employees not to cook their food etc.**

No prison employee shall be allowed to cook his food inside prison walls or to have it cooked for him by the prison cooks except during official programme.

#### **6.24 Unlocking of cooks**

Where it is necessary to unlock the cooks before other prisoners are unlocked, they shall for the proceeding night be locked up together in a barrack, the key of which shall be entrusted to the Senior Prison Officer on night duty, who may unlock the barrack at the hour prescribed for the purpose by the Superintendent.

#### **6.25 Supply of aprons to prisoners working in the kitchen**

The prisoners employed in cooking shall always wear clean blue aprons which shall reach just below the knees. Each prisoner working in the kitchen shall be provided with aprons and he shall keep them always clean.

#### **6.26 Clothing**

Every convict under sentence of rigorous imprisonment or of imprisonment for life shall be required to wear prison clothing as prescribed in these rules and shall be supplied with prison bedding. Other prisoners, such as under trial prisoners and detainees, shall be supplied with clothing and bedding if they make an application to the Jail Superintendent for this purpose. Such clothing shall be of a color different from that issued to convicts so that the distinction between convict and other prisoners is visible. Following scale of Bedding and Clothing are prescribed for a convict:—

##### **A. Bedding Items**

(i)	Barrack Blankets	2Nos.
(ii)	Mattresses	1 No.
(iii)	Bed Sheets	2 Nos.
(iv)	Quilt/Special Blankets	One/Four

##### **B. Clothing Items (For Men )**

S.No	Items	Quantity	Duration
1.	Shirts	2Nos.	6Months
2.	Trouser	2Nos.	6Months
3.	Under Shirt / Under wear	2each	6Months
4.	Towels	2Nos.	6Months
5.	Cap/Hat	2Nos.	6Months
6.	Winter Jacket / Sweater	1No.	2Years
7.	Sleeper Chappel	1set	6Months
8.	Shoes	1set	6Months

9.	Socks/Winter Socks	2Sets	6Months
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### C. Clothing Items (For Lady)

S No	Items	Quantity	Duration
1.	Ladakhi Goncha Or Salwar Kameez	2Sets	6Months
2.	Towels	2Nos.	6Months
3.	Winter Jacket/Sweater	1No.	2Years
4.	Undergarments	2sets	6 Months
5.	Sleeper Chappel/Sandal	1set	6Months
6.	Shoes	1set	6Months
7.	Socks/Winter Socks	2set	6Months

Adequate winter clothing will be provided to inmates in cold regions/during winter.

Under trial Prisoners, Civil Prisoners, Detenus who are unable to afford, as also Foreign Prisoners are to be provided clothing as per the above scale on the Administration expense but the color and style of the cloth should be different from those of convict prisoners. Moreover the clothing, bedding and other necessities to be supplied to infants/child living with the mother shall be such as Superintendent may prescribe in consultation with the female official/In charge of the female block.

#### 6.27 Clothes of convicts

The clothes of convicts shall have no pockets or openings in the lining. All clothing will be according to the local customs. The prisoners shall be provided with dresses to suit their physical measurement.

The clothing of convict functionaries shall reflect their stay and nature of duty by allowing them to add colour strips after every five years and no strip less than five years of imprisonment.

#### 6.28 Clothing of any category of prisoners, not covered in these rules

The clothing of any other category of prisoners, not covered in these rules, shall be decided by the HoPD, provided that the expenditure involved in it does not exceed the cost that would otherwise be incurred if the articles admissible under the rules are supplied to the class to which the prisoner belongs.

#### 6.29 Clothing of convicts attending courts

Convicts in custody when sent to a court, either as witness or as an accused, shall wear ordinary private clothing. For this purpose, the private clothes of convicts deposited in the prison, or those provided by friends or relatives, shall be issued to them before they are taken to the court, such clothes shall be taken back on their return from court attendance.

In other cases, the Superintendent shall provide suitable clothing.

#### 6.30 Incharge of clothing store

The Assistant Superintendent shall be in charge of the clothing store and shall be held responsible for custody and maintenance of all clothing and beddings. He shall be allowed to take the help of sufficient number of prisoners to

clean and expose the clothing to sun and air regularly. Due attention shall be paid to getting the clothes washed thoroughly before being returned to the store.

Note 1 : Used clothes, before being issued to prisoners, shall be thoroughly fumigated and washed in hot water to exterminate bugs, fleas etc.

Note 2 : All prisons shall have a proper laundry system in place, as well.

### **6.31 Repair, maintenance and inspection of clothing and bedding**

A day shall be fixed for weekly maintenance and inspection of clothing. At the weekly parade of prisoners, the Superintendent shall pay special attention to their clothing and bedding and shall satisfy himself that each man's kit is complete and is in proper condition. Suitable arrangements shall be made for washing and cleaning of every article of prisoners' clothing and bedding.

### **6.32 Prisoners to wash their clothing once every week**

Every prisoner shall be required to wash his clothing at least once a week, usually on the Sunday mornings, and at any other time as the Superintendent may direct. The Superintendent may ask prisoners to wash specific items of prison clothing and may authorize the issue of the necessary washing materials for the purpose.

Explanation 1: All male prisons shall be supplied with half a bar of washing soap weighing approximately 500 g. each per month and 50 gms of washing powder every week for washing their clothes.

Explanation 2: All female prisoners shall be supplied with a bar of washing soap weighing approximately 1Kg. each per month and 50gms of washing powder per week for washing their clothes. All female prisoners with children may be supplied with an extra bar of washing soap weighing approximately 500 gm and 50 gms of washing powder per week for washing the clothes of their children.

Explanation 3: All prisoners shall be supplied with one tooth brush and one toothpaste (150-175 gms) on quarterly basis along with two bathing soap of standard size and weight on monthly basis.

### **6.33 Prison laundry**

All Prisons, at least Central and District prisons to have their own mechanized laundry to wash items of clothing and bedding at the time of return of these items to the clothing store.

### **6.34 Disposal of irreparable clothing**

Irreparable clothing shall be struck off from the register under the signature of the Superintendent once a month and need as rags for cleaning the kitchen and for cleaning machinery in the workshop. If the accumulation of such clothing is in excess, it shall be sold, after being shredded into small pieces, to the paper making units of the Khadi or other such agencies.

Unserviceable clothing shall be stocked separately and a proper stock register shall be maintained for this purpose.

### **6.35 Disposal of clothing of discharged prisoners**

Prison clothing shall not be given to discharge prisoners. Care shall be taken to ensure that prisoners surrender their full kit at the time of their release. If fit for further use such clothing shall be thoroughly laundered and repaired, and taken into stock. Items of unserviceable clothing shall be duly entered in the stock register of such clothing and shall be disposed of in the manner prescribed in the previous paragraph.

### **6.36 Submission of clothing and bedding indents**

Indents for the clothing and bedding likely to be required during the next six, nine or 12 months, shall be prepared in duplicate and submitted to the Deputy Inspector General of Prisons for sanction.

No clothing or bedding shall be issued from the manufacturing department of any prison unless the indent is approved by the Deputy Inspector General of Prisons and no clothing or bedding shall be purchased in the local market except in very special circumstances and with the sanction of the Inspector General of Prisons.

### **6.37 Accommodation and Ventilation**

- (i) Capacity of ward to be inscribed near the door  
Near the door of every ward the size of the room, and the number of prisoners it is capable of accommodating, shall be recorded on a plaque embedded in the outer wall of the ward.  
The names and numbers of the blocks and other important buildings and enclosures shall be displayed on them in a conspicuous and suitable position. The date of white-washing shall also be shown in distinct figures.
- (ii) Ventilation of wards and workshops  
The Superintendent and the Medical Officer shall pay special attention to the ventilation of the wards. In all cases, care shall be taken that there is sufficient lateral as well as roof ventilation. As the condition of the atmosphere breathed by prisoners can only be judged by visiting the ward a few hours after the prisoners have been locked-in, the Superintendent and the Medical Officer shall visit the prison at night in all seasons, and at irregular intervals, to satisfy themselves that the ventilation is adequate, and that the prisoners have not blocked the ventilation in anyway. The results of these visits shall be recorded by the min the irrespective journals. The Additional Superintendent shall also be deputed for this purpose.  
Every possible arrangement shall be made for thorough ventilation of the wards for several hours during the day. This is necessary to remove organic matter from the walls, which gets slowly oxidized. It is necessary that the bed dings are removed out of the barracks for several hours every day.

### **6.38 Walls to be color or whitewashed**

The exterior walls of prison buildings shall be color-washed, and the interior walls whitewashed from time to time. The interior of barracks, wards and cells in which prisoners are confined, will be white-washed/color washed once in a year.

### **6.39 Planting of trees**

Grass shall be grown and trees planted and kept neatly trimmed in and near the prison wherever possible. Gardens shall also be maintained in each prison to have salutary effect on the minds of prisoners. However, trees shall not be planted too close to walls and buildings as these may be used for escape from the prison.

After the rainy season, the inner and outer sides of the perimeter wall, if the prison and wall of the wards shall be scrubbed. Pathways inside the prison compound shall be de-weeded and re-laid. Wherever the paths are made of tarmac, the uneven surface shall be levelled properly.

### **6.40 Conservancy Responsibility of all Officers**

It is also the duty of all prison officers to pay special attention to conservancy especially Medical officer of the Institution as well as the Technical Wing of the Headquarter. And official and nonofficial visitors are expected to satisfy themselves that it is properly carried out.

### **6.41 Responsibility of Health Officer**

The Municipal Health Officer, District Health Officer or the health officers of the corporation, as the case may be, shall visit all the prisons under their jurisdictions once a month and offer suggestions for sanitation and hygiene.

#### **6.42 Prison area to be kept clean**

The prison area shall be cleaned daily and kept free from all unwanted plants and weeds, accumulation of broken bricks, manufacturing waste, etc. Kitchen waste shall not be permitted to be thrown on the ground, nor shall garbage of any kind be allowed to accumulate in or near the prison.

It shall be the duty of Municipal authorities to send a team for collection of garbage regularly for its further disposal.

#### **6.43 Prohibition of cesspools and open drains**

Cesspools and open drains for accumulation and disposal of sewage are prohibited inside or near a prison.

#### **6.44 Precaution against malaria**

All pits and pools of water stagnant, near the prison shall be covered or filled up. Open drains if any around the prison shall be carefully attended to and drainage cuts shall be cleaned wherever necessary, to prevent accumulation of water.

#### **6.45 Medical Officer to approve drainage**

The Medical Officer shall bring to notice of the Jail Superintendent any defects in the drainage within or around the prison. If he does not do so, it shall be presumed that he is satisfied with it. All drainage in prison should be underground which should be connected directly to the public drainage system. Technical Officer, Headquarter or his subordinate shall also visit all Prisons once in a month to check and carry out any repair required in consultation with Superintendent Jails with due consideration to hygiene, sanitation and security.

#### **6.46 Injurious conditions in the prison neighbourhood**

If anything occurs, or is likely to happen in the prison neighbourhood, that might injuriously affect the health of the prisoner, it shall be reported immediately to the HoPD. The construction of public latrines and sewage drains near a prison is objectionable and measures shall be taken to prevent such constructions.

No sewage or effluent drains from mills and factories or other public sources, that may affect the health of the prisoners, should be allowed near any prison.

#### **6.47 Cleaning of latrines**

The latrines shall be thoroughly cleaned twice a day or more often if necessary, with disinfectants.

#### **6.48 Kitchen**

The inmates engaged in cooking shall be regularly examined to make sure that they are not carrying of any infection. There should be adequate arrangements for cooks to wash their hands with soap and water before they start cooking. Cooks should change into clean uniforms before they are permitted to cook or serve food. Manual handling of food is undesirable and must be avoided.

#### **6.49 Stores**

Stores or godowns must be kept clean, well arranged, and well ventilated. Their contents should be aired as often as possible. godowns or grain stores should be treated with suitable insecticides to prevent the growth of weevil.

#### **6.50 Baths**

All prisoners should be required to bathe as frequently as necessary. In the temperate climate they should be encouraged to have daily baths unless medically exempted from doing so. In hot climate, facilities should be provided for the prisoners to have a bath in the afternoon as well.

### 6.51 Water Supply

(i) **Selection of source of water supply**

Wherever corporation, municipal, panchayat, township or cantonment water supply exists, arrangements shall be made to connect the prison with it by a pipe line.

If water from a well or tube-well issue in a prison such wells should be well protected from being polluted by percolation of surface water.

The mouth of every drinking water well shall be completely closed and the water shall be raised by a pump.

The surface surrounding the well at its mouth shall be covered with a sloping cement platform with a drain around it to carry spilt water, and the well shall be lined to a sufficient depth to render the tube impermeable.

Every well shall be cleaned out once a year whereas water reservoirs shall be cleaned once in 3 months, and the date on which it is done shall be recorded.

Once a week, the depth of water in each drinking water well shall be tested and a record of the results maintained.

(ii) **Filtration of Water**

Drinking water may be filtered in consultation with Public Health Engineering (PHE) on the advice of medical and municipal authorities. PHE department shall collect water samples from Prisons periodically to ensure that it is safe for human consumption.

There shall not be any garbage dump or sanitary wastes within a radius of 15meters of any ring well or tube well.

(iii) **Drawing of water**

Distribution of clean water is of paramount importance. Buckets used for filling water for drinking and for use in kitchen shall not be used for any other purpose. Water vessels, barrels, tanks and reservoirs shall be frequently cleaned. Every water storage receptacle shall be covered and the lid fastened after it is filled. These shall also be fitted with taps to facilitate drawing of water from them.

(iv) **Supply of Drinking Water**

Suitable arrangements shall be made to supply every inmate of a ward and cell with sufficient quantity of fresh drinking water through taps during day and night. It shall be the responsibility of the warder on duty to see that sufficient drinking water is available before the prisoners are locked-in.

Prisoners at work shall be supplied with an adequate quantity of drinking water. If water is to be stored, it shall be done in covered receptacles which must be thoroughly cleaned every day.

### 6.52 Analysis of water

Samples of the water in use for domestic purposes in every prison shall ordinarily be submitted to the Water Analysing Authority twice a year, for both chemical and bacteriological examination.

In the event of outbreak of an epidemic in any prison, which might be due to contamination of the water supply, and which calls for an immediate examination of drinking water, the Medical Officer shall immediately make a written request to the Director of Public Health and Preventive Medicine who shall make arrangements to obtain the necessary samples for analysis.

In addition, immediate steps shall be taken to ensure supply of water from an alternative source at such prisons. The Water Analysing Authority shall, in due course, forward a copy of its report of analysis, through the Director of Public Health and Preventive Medicine to the Jail Superintendent and another to the HoPD.

### 6.53 Disinfection of wells

Whenever there is reason to believe that any of the bore-wells or sump tanks, from which drinking water is obtained, is a source of contamination, it shall be treated at intervals of three days with Potassium Permanganate and other disinfectants, as may be deemed necessary, in consultation with the local health officer.

**6.54 Provision of water to staff quarters.**

Adequate supply of water shall also be ensured to the residential quarters of the prison staff. The conditions of the cleanliness of water mentioned above shall apply here as well. Every officer occupying staff quarters shall be held responsible for the cleanliness of his premises. The Superintendent and the Medical Officer shall periodically inspect the staff quarters to check general cleanliness. Staff living in the prison accommodation shall have not to pay for water or electricity.

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## **CHAPTER VII**

### **MEDICAL CARE**

#### **7.01 Medical Administration**

Medical administration is one of the most important concerns of prison management. The Medical Officer of a prison has to give careful attention not only to the treatment of sick prisoners but also to every matter connected with the health of prisoners and overall hygiene of the prison. Nothing will count more to the credit of the Medical Officers of prisons than their success in maintaining best health standards in the prisons under their charge.

#### **7.02 Prison Hospitals**

Hospital accommodation should be provided on the scale of 5% of the authorized capacity of all Central and District Prisons. The prison hospitals may be of Types 'N' and 'B'. Big hospitals, with 50 beds and above shall be called 'N' type hospitals. Other hospitals, with less than 50 beds, shall be called 'B' type hospitals. The staff and equipment for the two types of hospital shall be as per the Indian Public Health Standards. Presently we have B type i.e. 10 bedded hospitals in big prisons. Depending upon the strength of inmate's district jail shall have also 10 bedded hospitals.

#### **7.03 Appointment of Sr. Medical Officer/Medical Officer (In Charge)**

The Administration shall appoint a Sr. Medical Officer/Medical Officer (In Charge) for every prison. During the absence of the Sr. Medical Officer/Medical Officer (In Charge), other officers shall attend to his duties in the prison. These Sr. Medical Officers shall be under the administrative control of the Jail Superintendent. The Sr. Medical Officer shall be assisted by Medical Officers attached to the prison hospital.

The Sr. Medical Officer or Medical Officer In charge deputed to a prison hospital shall reside in prison campus and shall be provided with rent 'free staff quarter'.

In absence of any Sr. Medical Officer/Medical Officer in Prison, Chief Medical Officer of the concerned District will monitor and facilitate the functioning of medical unit of the

Prison, till regular post of Sr. Medical Officer/ Medical Officer is filled by Administration

#### **7.04 Channel of Communication**

The Sr. Medical Officer will be the technical head of all the medical officers and will be in charge of the entire Medical Administration. He, along with his subordinates, will be jointly responsible for the health-care of the prisoners. The Jail superintendents will be the administrative head. All correspondence to the Head of Prisons Department or to the Director of Medical Services and Director of Medical Education will be routed through Superintendent. All leave, except earned and medical leave, pertaining to the Medical Officer will be recommended by the Sr. Medical Officer.

The Sr. Medical Officer/Medical Officer (Incharge) shall submit indents for medicines through the Jail Superintendent. In all administrative matters, he will correspond with the HoPD through the Jail Superintendent.

#### **7.05 General Duties**

The general duties of the Sr. Medical Officer/Medical Officer (Incharge) shall cover every matter connected with the health of the prisoners, their treatment when sick, and the sanitation and hygiene of the Prison.

### **7.06 Daily visits to prison**

The Sr. Medical Officer/Medical Officer (Incharge) shall visit the prison and shall examine sick prisoners every day. He shall visit the prison on Sundays and holidays as well, whenever necessary. He shall inspect every part of the prison and check all prisoners at least once in a week and record his observations in his report to be sent to the Jail Superintendent, HoPD on fortnightly basis.

He shall also make a full medical inspection of all the prisoners once a month. If any epidemic or unusual sickness prevails, or any serious case of illness occurs, he shall visit the prison as often as may be necessary.

If he is unable to himself undertake these inspections for any reason, he shall record the fact and the reason for it in his journal. At the same time he shall depute an Medical Officer to conduct such inspections.

### **7.07 Special Needs of Aged Prisoners:**

The Medical Officer shall ensure that the medical needs of aged prisoners in terms of ophthalmological care, dental care, physiotherapy, and clinical testing for diabetics are regularly attended too. This will include basic requirements (clothing etc) of this category as well.

### **7.08 Treatment of Drug Addicts**

The Medical Officer shall organize de-addiction programs for such prisoners who are known to be drug-addicts. He shall also organize training in Transcendental Meditation and Yoga for them in consultation with Jail Superintendent as per the de-addiction policy of the Administration.

### **7.09 Attendance at Weekly Inspection**

The Sr. Medical Officer/Medical Officer (Incharge) shall be present during the Superintendent's weekly inspection and shall over see the general health and hygienic conditions prevailing in the prison. He shall pay special attention to any signs of a scorbutic or anaemic tendency, any deterioration in health conditions, and skin diseases. He shall also examine the prisoner's clothing and bedding to see that they are adequate and clean. He will examine the drainage, ventilation, drinking water and conservancy arrangements of the prison.

He shall, at the same time, examine the record of prisoners' weights, to satisfy himself that the weight test is being properly done. He shall thoroughly examine all prisoners who have lost their weight substantially and give necessary instructions to the Medical Officer of the prison regarding the action to be taken in such cases.

### **7.10 Attending to Prison Officers**

The Sr. Medical Officer/ Medical Officer (Incharge) shall attend to the medical needs of all prison officials and their families residing in the prison's staff quarters and barracks. Sr. Medical Officer/ Medical Officer of the Prisons located in the Town of Leh and Kargil shall also attend to the medical requirements of officials of the Headquarters including the defendants of the Officers of the Headquarter.

The Sr. Medical Officer /Medical Officer (Incharge) shall bring to the notice of the Superintendent any facts (about the cause of illness of the officers and subordinate prison staff) that may be of importance, and which shall enable him to determine their fitness for continued employment in the prison.

The Sr. Medical Officer/ Medical Officer (In Charge) shall maintain a minute book in which he shall enter all directions given by him concerning the duties of the medical staff under him, the management of the hospital, and any other instruction of importance regarding the treatment of patients, or another matter.

### **7.11 Duties of Sr. Medical Officer/Medical Officer (Incharge)**

The Sr. Medical Officer/Medical Officer (incharge) shall verify the accuracy of the records made by the Medical Officers of the prison.

He shall inspect the medicines kept in store once in every six months and satisfy himself that their weights and quantities are entered correctly in the stock register. He shall also ensure that the medicines are used before their date of expiry. He shall also inspect the instruments and equipment to see that they are being maintained properly and sufficient stock is kept in reserve.

All indents by the Medical Officer shall be scrutinized and countersigned by the Sr. Medical Officer/ Medical Officer (Incharge). He shall examine all cases coming for release on medical grounds.

Whenever the mortality of a prison in a month exceeds 1% per annum, he shall record an explanation of the cause of such excess of mortality in the monthly return. In the event of unusual mortality, he shall make a special report on the subject for transmission to the Administration through the HoPD.

The Sr. Medical Officer/Medical Officer In-charge shall also be responsible for conducting medical examination of candidates selected for appointment to various posts in the prison.

### **7.12 Maintenance of Journals**

The Sr. Medical Officer shall keep a journal in which he shall record every visit he pays to the prison, time of entering and leaving the prison, the parts of the prison or classes of prisoners visited, the number of sick persons in prison and any other point which he considers should be brought to the notice of the Superintendent. While doing so he shall make specific note of the following:—

- (i) Any defects in the food, clothing or bedding of prisoners or in the cleanliness, drainage, ventilation, water supply or other arrangements of the prison which the Sr. Medical Officer considers likely to be injurious to the health of prisoners, together with suggestions for removing such defects.
- (ii) Any occurrence of importance connected with the hospital administration.
- (iii) Any marked increase in the number of in or out door patients and its apparent causes.
- (iv) After each visit this journal shall be sent immediately to the Superintendent for his perusal. Thereupon the Superintendent may issue any orders he thinks fit. When the Sr. Medical Officer himself is the Jail Superintendent the points required to be referred to in his journal shall be recorded in the journal maintained by the Jail Superintendent.

### **7.13 Submission of Returns**

The Sr. Medical Officer shall punctually submit the prescribed returns and shall furnish any other information regarding the medical administration of the prison, which the HoPD may call for. A report regarding the sanitary condition prevailing in prison shall also be furnished to the Deputy Inspector General of Prisons/HoPD along with the annual returns through the Jail Superintendent concerned.

### **7.14 Maintenance of Registers**

The Medical Registers and Forms other than the Journal shall be kept under the orders of the Medical Officer, who is responsible for their correctness. At the Deputy Inspector General/HoPD inspection, the Medical Officer shall produce before him, every register and record, connected with the Medical Department of the Prison.

### **7.15 Clinics and Labs for Prison Hospitals**

The following equipment shall be made available to prison hospitals :—

- (i) Physiotherapy unit with equipment ;
- (ii) Detoxification unit and De Addiction unit.
- (iii) Psychiatric unit with equipment.

### **7.16 Appointment of Medical Officer**

In prisons other than Central Prison, one or more Medical Officers, as may be necessary, shall be appointed by the Health Services/ Medical Department.

### **7.17 Terms of Appointment**

The Medical Officer shall be appointed by the Health Services/Medical Department from the Directorate of Medical Services and his postings and transfers shall be made by the Director of Medical Services in consultation with the HoPD and their normal tenure shall not exceed 2 years.

### **7.18 Conditions of Service**

Medical Officers, staff nurses, pharmacists, nursing orderlies and lab technicians attached to prisons shall not, while on duty, leave the prison premises without the permission of the Sr. Medical Officer Prison or the Jail Superintendent.

### **7.19 Uniform**

The medical staff posted to the prison hospitals shall wear the uniform prescribed by the Health Services/Medical Department.

### **7.20 Leave**

The medical staff posted in the prison hospitals shall be governed by the Administration leave rules.

### **7.21 Maintenance of Report Book**

Every Medical Officer shall maintain a report book in which he shall record all matters of importance that he wishes to bring to the notice of the Sr. Medical Officer.

This report book shall be produced for inspection and orders of the Sr. Medical Officer. The Sr. Medical Officer will sign his report book every day.

### **7.22 Hours of Duty**

In prisons where there are more than one Medical Officers—

- (i) The hours of duty during the day shall be equally distributed between them by the Medical Officer, ensuring that one of them is always present in the prison.
- (ii) One of the Medical Officer shall be on night duty on rotation basis to attend to the prisoners in the event of an emergency.  
In prisons where there is only one Medical Officer, he shall remain inside the prison throughout the day, except when permitted to absent himself for meals or other valid reasons. He shall visit the hospital occasionally at nights and may, under the orders of the Jail Superintendent, be required to remain on duty there if there are any cases under treatment which are likely to render his presence necessary and shall also remain on call.

### **7.23 Duties of the Medical Officer**

It shall be the duty of an Medical Officer—

- (i) To ensure the medical screening of new admission (fresh accused for admission in jail) including his fitness and other clinical tests required to be provide/carried out through the escorting party/investigating agency itself before actual admission into the prison. These

tests may include tuberculosis, Hepatitis, AIDS, STD, Corona or any other test so as to avoid onus of problem of the accused on Prison admission.

- (ii) To be available to attend to any prisoner who complains of illness or who appears to be ill, and have him removed to the hospital or the place for medical examination by Sr. Medical Officer, as the case may be.
- (iii) To attend to sick prisoners and out-patients visiting the hospital and supervise the preparation and issue of medicines, food and extra diet. He shall satisfy himself that the Sr. Medical Officer's orders in this regard are properly carried out.
- (iv) To make a daily round of the prison cells and report to the Sr. Medical Officer the conditions in the prison which have any bearing on the health of the inmates and every such complaint made to him.
- (v) To ensure that all medicines indented for the hospital are properly arranged, labelled and stored in a safe place.
- (vi) To take proper care of instruments, appliances, and equipment in his charge.
- (vii) To see that sick prisoners are clean and tidy.
- (viii) To see that the hospital clothing and bedding are marked in a distinctive manner.
- (ix) To see that all articles in use in the hospital are safely stored and kept clean.
- (x) To allow no property in his charge to leave the prison premises.
- (xi) Not to permit any convict attendant to handle instruments or distribute drugs whose misapplication may be dangerous.
- (xii) To ensure that the pharmacist attends to the clerical work connected with the hospital, such as the upkeep of registers, the preparation of returns and the punctual submission of indents.
- (xiii) To satisfy himself that the food for the sick is properly prepared and distributed.
- (xiv) To ensure that order, cleanliness and discipline is maintained in and around the hospital.
- (xv) To ensure that the staff nurses and others employed in the hospital perform their duties properly.
- (xvi) To ensure that any excess or deficiency of attendants is brought to the notice of the Sr. Medical Officer to visit the prison kitchen every day, inspect the food supplied, both raw and cooked (both in bulk and after distribution) and see that the salt, oil and condiments are added and thoroughly mixed, satisfy himself that the food is of good quality and that the quantity of each article is according to the sanctioned strength. He shall also see that the kitchen and its surroundings are maintained in a sanitary condition, that the drains are flushed and free from refuse, that the water stored in the tanks for cooking and washing utensils is changed frequently, and that the utensils in use are clean and in good condition.
- (xvii) To supervise the supply of milk to the hospital, to test the milk in the prescribed manner, to see that it is properly boiled before issue.
- (xviii) To inspect the food supplied to civil and un-convicted criminal prisoners by their friends.
- (xix) To keep a watch on prisoners suspected of malingering and to report the result of his observations.
- (xx) To be present at various parades and separate for examination and treatment any prisoner who appears to be in need of attention or who is known or suspected of leaving part of his food uneaten.
- (xxi) To bring to the notice of the Sr. Medical Officer any female whom he may suspect to be pregnant.
- (xxii) To see the bathing of prisoners suffering from skin in factions.
- (xxiii) To examine all newly admitted prisoners and to record in the admission register and medical sheets particulars regarding their health, and the kind of labour and they can perform view of their health conditions,
- (xxiv) To satisfy himself that the person, and private clothing, of newly admitted prisoners are properly cleaned, and that the clothing is, if necessary, disinfected before keeping in the storerooms.

- (xxv) To vaccinate newly admitted prisoners, and (if so directed) infants admitted with their mothers or born in prison.
- (xxvi) To bring promptly to the notice of the Superintendent and Medical Officer any case of suspected cholera or other contagious or infectious diseases that may appear amongst the staff or in inmates of the prison.
- (xxvii) To examine the wells and other sources of water supply, to bring to notice any defects with regard to the quantity or quality of water supplied, to examine every day all tanks and vessels in which water is stored or conveyed, and to prepare samples of water for analysis as and when required.
- (xxviii) To inspect the surroundings of the prison at least once a week. He shall pay particular attention to manner in which filth is trenchered or otherwise disposed of.
- (xxix) To attend to the ventilation, with due regard to the season, of the hospital, sleeping wards and workshops and to satisfy himself that prisoners are not unnecessarily exposed to draught or rain.
- (xxx) To assist the Jail Superintendent in administrative matters pertaining to the medical unit and other misc. aspects as & when asked for.

#### **7.24 The weighing of Prisoners**

The Medical Officer shall be present during the fortnightly weighing of prisoners. He shall record each prisoner's weight in his weight chart and shall parade, as soon after wards as possible, for inspection by the Sr. Medical Officer all prisoners who are losing weight to any noticeable extent.

In cases when the subordinate medical establishment is small for the number of prisoners, or in cases where the medical work is heavy, an officer of the executive staff of the prison may be deputed by the Jail Superintendent to assist the Medical officer in carrying out the work of recording the weight of prisoners.

#### **7.25 Examination of Prisoners Complaining of Illness**

Every prisoner complaining of illness, or appearing to be ill, shall be sent to the prison hospital for immediate examination and further treatment by the Sr. Medical Officer or, in his absence, by the Medical Subordinate. The facility of consulting medical officers over the telephone may also be encouraged, where relevant.

On the advice of the Sr. Medical Officer, the Superintendent may transfer any sick prisoner to the local government hospital. For transfer who is required on medical grounds to any specialized hospital outside the jurisdiction of the prison, the approval of the HoPD should be obtained. If the Sr. Medical Officer is of opinion that prior approval of the HoPD will take such time as will endanger the life of a sick prisoner, the transfer may be made in anticipation of sanction of the HoPD. No prisoner should be allowed to stay in an outside hospital except on ground of dire medical needs.

Urgent cases requiring immediate surgical or other treatment which cannot be adequately given in a prison hospital should be transferred to an outside hospital and a report made to the HoPD. Cases where delay is not likely to do any harm should be transferred only with the previous action of the HoPD. In case of under trials matter is to be also reported to courts concerned.

There should be a separate ward in District Hospital Leh and Kargil to be used for consultation of inmates referred from Prisons and for their treatment under proper guarding system provided by the nearest police station. Further the vehicle/Ambulance van carrying the inmates from the prisons should be specially designed, fitted and well equipped with required medical accessories.

#### **7.26 Diet of a Prisoner: Control of Hospital Diets**

The diet of prisoners in hospital shall be entirely under the control of the Sr. Medical Officer who may either keep the prisoner on the ordinary prison diet, or may place him on one of the regular hospital diets, or may order any modifications of the prison or hospital diet, or may prescribe extra diet he may think necessary, according to the scales of diet prescribed, if any, under the rules.

### **7.27 Preparation of Hospital Diets**

Hospital diets requiring special preparation shall be cooked in the kitchen, and the Sr. Medical Officer shall examine the diet frequently and satisfy himself by weighing that the full quantities of the prescribed articles are present, and are well cooked.

### **7.28 Precaution Regarding Milk**

Special care shall be taken with articles such as milk that can easily be adulterated or stolen. Fresh milk shall be used, wherever it can be obtained, in preference to tinned milk. Milk shall be frequently tested to ensure that it is pure. If the specific gravity of the milk supplied is below 1,025, the milk should not be accepted.

### **7.29 Special Diet for Prisoners not in Hospital**

The Sr. Medical Officer may recommend special diet for any prisoner in the invalid group after recording reasons for recommending that in his register. Such recommendations shall not be made as a matter of routine. The Medical Subordinate can recommend the issue of special diet to a prisoner in the absence of the Sr. Medical Officer, but he shall report this to him and obtain his approval. Issue of special diet shall always be in lieu of the regular diet to which a prisoner is otherwise eligible. If it is continued for more than a fortnight, it shall be reported to the Deputy Inspector General of Prisons. The Sr. Medical Officer owns the responsibility to economize the expenditure on this account and shall exercise utmost care in recommending special diet to the prisoners.

### **7.30 Indent for Hospital Diets**

An indent showing the number of hospital diets and extras required, shall be sent not later than by 9 AM every day to the officer in charge of ration and care shall be taken that diets and extras reach the prisoners promptly. Emergent indents, in cases of urgency, may be sent at any hour of the day. This shall be generally avoided except in cases of extreme urgency.

### **7.31 Detention of a Prisoner for Observation**

A prisoner may be detained for observation in the hospital for 24 hours. After the expiry of that period, whether or not his disease is diagnosed, his name shall be entered in the proper register. The number of prisoners detained under observation shall be recorded in the Hospital Roll and the treatment prescribed for them in the prescription book. If the Sr.

Medical Officer finds a prisoner to be malingering; he shall at once report the fact to the Superintendent for punishment.

Prisoners who require mental health care should be attended to by an authorized medical attendant.

### **7.32 Medical Treatment of Sick Prisoners**

Every prisoner suffering from any active disease shall be brought under medical treatment, either as an out-patient or an in-door patient, and his name shall be recorded in the register of out-patients in a prescribed form (Appendix-3) or in the register of in-patients in a prescribed form (Appendix-4).

### **7.33 Maintenance of Case Book**

The number of sick in hospital shall be daily recorded in the Hospital Roll of Sick in as prescribed form (Appendix-5). Their treatment and diet shall be recorded in the Case Sheet in a prescribed form (Appendix-6).

In addition to these records, there shall be maintained in every hospital a case book in a prescribed form (Appendix-7) in which the history of every case admitted into hospital shall be recorded.

The case book is intended to be a contemporaneous record or diary of each prisoner's symptoms, treatment and diet. All entries in it shall, therefore, be immediate and direct. The practice of keeping notes, to be afterwards copied into the case-book, is prohibited.

The entries in the case-book will usually be made by the Medical Subordinate, as symptoms appear or treatment is applied. The Medical Officer will add notes of his own observations and orders as and when he examines the patient. The Medical Officer shall see the case-book every day and initial the entries regarding each case in token of him having seen them.

As a general rule the entries in the case-book shall be made every day, but in chronic cases, where there is little or no change from one day to another, the Medical Officer may, by entry in his own hand in the case-book, record that daily entries are not necessary.

### **7.34 Bathing of Patients**

Prisoners who are not too ill shall be required to bathe daily, at a time the Medical Officer may direct.

### **7.35 Proper Place of Washing**

A proper place for washing and boiling dirty clothing and sheets shall be provided. Blankets and work clothing too shall be frequently washed in boiling water.

### **7.36 Clean lines of the Hospital**

Every hospital shall be kept clean and well ventilated. The walls of the hospital shall be scraped and white washed once in six months, or more often necessary.

### **7.37 Disinfections of Wards**

A ward or a cell in which a case of infectious disease has occurred or been treated shall be immediately cleared thoroughly using disinfectants as prescribed.

Explanation.—Dis-infestation shall be carried out under the personal direction of one of the Medical Officers to be nominated by the Sr. Medical Officer.

### **7.38 Allotment of Labour on Medical Opinion**

When the Medical Officer is of the opinion that the health of any prisoner suffers from employment of any kind or class of labour, he shall record such opinion in the prisoner's sheet and the prisoner shall not be employed on that labour. But he shall be placed on another kind or class of labour as the Sr. Medical Officer may consider suitable for him.

### **7.39 Duty of Medical Officer on Occurrence of Death**

The Medical Officer shall immediately report every death that occurs in the prison to the Jail Superintendent and the Sr. Medical Officer and shall assist him at the post-mortem examination. He shall ensure that the body is suitably prepared for burial/ cremation before removal from the mortuary.

### **7.40 Medical Aid to Prison Officers**

The Medical Officer shall, under the direction of the Sr. Medical Officer, accord medical aid to all members of the prison establishment and others living on the prison premises.

### **7.41 To Assist Medical Officer**

Medical Officer shall render assistance to the Sr. Medical Officer by reporting to him all matters affecting health, such as:

- (i) Overcrowding ;
- (ii) Unsuitable, worn out or dirty clothing ;



- (iii) Neglect of personal cleanliness ;
- (iv) Undue exposure to weather ;
- (v) Unpunctuality of meals ;
- (vi) Neglect to air-dry or clean clothes and bedding ;
- (vii) Unsuitable tasks.

#### **7.42 Appointment of Staff Nurse and Pharmacist**

Staff nurses and pharmacists should be appointed as per the norms of the Health Services/Medical Department.

#### **7.43 Duties of the Staff Nurse and the Pharmacists**

The Staff nurses and the pharmacists shall obey the lawful orders of the Sr. Medical Officer and the Medical Officer in all matters connected with the medical work of the prison and of the Superintendent, Additional Superintendent and Dy. Superintendent in other matters.

Their duties shall be to help the Medical Officer in the maintenance of the health of the staff and prisoners by compounding and distributing medicines, vaccinating and weighing prisoners, performing clerical work, maintaining order and discipline in the hospital and by carrying out such other duties as may be allocated to them by the Sr. Medical Officer.

#### **7.44 Senior Medical Officer to Supervise Treatment of Out-patients**

The Sr. Medical Officer shall daily inspect the out-patients register, and shall order the admission of a patient to prison hospital, if in his opinion the patient's medical condition necessitates such hospitalization. The Medical Officer shall himself examine all outpatients at least once a week.

Prisoners suffering from only minor ailments shall be treated as out-patients. The Sr. Medical Officer shall be responsible that all other patients are admitted to the prison hospital. Under no circumstances prisoners suffering from dysentery shall be treated as out-patients.

#### **7.45 Medical Officer Surgeons to Treat Out-Patients**

Subject to the foregoing provisions, the examination and treatment of out-patients may be conducted by Medical Officer.

#### **7.46 Treatment of Sick Prisoners in the Hospital**

The treatment of sick prisoners in the prison hospital shall be under over all supervision of the Medical Officer .If, in his absence, the Medical Officer takes any action for the treatment of a prisoner; he shall record the action taken in his Report Book and submit it to the Medical Officer immediately on his return.

#### **7.47 Senior Medical Officer's Daily Visit**

The Sr. Medical Officer shall visit all prisoners kept in hospital under observation every day and shall decide whether a prisoner needs to be discharged from hospital.

#### **7.48 Supply of Hospital Clothing and Bedding**

Every prisoner shall be supplied with hospital clothing and bedding on admission to hospital. His convict clothing and bedding will be taken from him. These shall be returned to him on his discharge from hospital. Care shall be taken that clothing and bedding are changed regularly to maintain cleanliness, and that in cases of infectious disease all clothing and beddings are thoroughly disinfected.

Every patient in hospital shall be provided with a proper mattress, a pillow and white sheets. If any epileptic is placed in a cell, he shall be provided with a mat of a thicker pattern and shall sleep on the floor. He shall not be made to sleep on a raised masonry berth.

#### **7.49 Segregation of Infectious Cases**

Every case, or suspected case, of infectious diseases shall immediately be segregated and the strictest isolation shall be maintained until the Sr. Medical Officer considers it safe to discontinue the precautions. The Medical Officer shall give written instructions as to the clearing, disinfecting or destroying of any infected clothing or bedding, and shall satisfy himself that the same are carried out.

#### **7.50 Segregation of Prisoners in the Prison Hospital**

Cases of dysentery and diarrhoea shall be treated in a separate ward, if possible. Loose stool of such patients shall be disinfected and destroyed by fire. All wards, beds, bedding, clothes and latrine vessels used by them shall be thoroughly disinfected.

Prisoners suffering from venereal diseases shall be segregated. All cases of pulmonary tuberculosis shall be segregated in special wards. All necessary precautions shall be taken to guard against the spread of infection to other prisoners. All cases with abnormally enlarged spleen shall have boundaries marked on the skin and shall be provided with some distinctive clothing. Care shall be taken that the spleen is not hurt. Minor infectious diseases such as scabies, mumps, measles, etc., must on no account be neglected. Segregation for the full period must be enforced. Cases of scabies need not, as a rule be admitted into hospital, but segregated from other prisoners. Prisoners showing signs of lunacy shall not, if they are dangerous, noisy or filthy, be kept in the hospital but shall be kept in a separate cell. In some cases, it may be considered for prisoners in hospital to be given some employment. Light work shall, therefore, be provided for them. Wherever necessary, cases of inmates shall be referred to specialized medical institution with the prior sanction of the competent authority. Sr. Medical Officer or Medical Officering his weekly visit shall identify the Prisoners with suicidal tendencies and shall accordingly take care of them.

#### **7.51 Treatment of Malingerers**

If the Sr. Medical Officer is of opinion that a prisoner is malingering, he shall at once report the fact to the Superintendent. No treatment shall be given to prisoners feigning illness.

#### **7.52 Treatment of Prisoners discharged from Hospital**

Every prisoner on discharge from hospital shall either be put to labour or placed in the 'Invalid Group', as the Sr. Medical Officer may direct.

#### **7.53 Composition of the Invalid Group**

The invalid group shall consist of:—

- (i) Those who are permanently incapacitated from performing hard or medium labour because of age, or bodily infirmity. They will be the permanent members of the group,
- (ii) Those who have been discharged from hospital as convalescents, but are temporarily unfit to perform hard or medium labour,
- (iii) Men who are generally out of health even if not falling under the above two categories. This category shall include prisoners passed as fit for light labour only, prisoners exhibiting scorbutic or malaria scorbutic gums, prisoners found to be steadily falling in weight, and prisoners who are an anaemic.

#### **7.54 Treatment of the Invalid Group**

Prisoners in the invalid group shall be given some light work suited to their strength and shall, as far as possible, be kept together for the purpose of diet and observation, both by day and night. A register of such prisoners shall be kept and no prisoner shall be placed in or discharged from this group without the permission of the Sr. Medical Officer. They shall be examined daily by the Medical Subordinate, and once a week by the Sr. Medical Officer.

#### **7.55 Procedure on Death of a Prisoner**

The death of any prisoner, which is a custodial death, shall be handled as per the procedure laid down in the Code of Criminal Procedure, 1973 and the guidelines issued by the National Human Rights Commission.

A full report on the circumstances of the death of a prisoner shall be sent by the Superintendent without any delay to the HoPD for submission to the administration. Reports made by the police and magistrate, the nominal roll, copies of judgments, the reports required by Section 15 of the Prisons Act, 1894 and the deposition of witnesses with this report shall be submitted. The post-mortem examination shall be video graphed as per the directive of the National Human Rights Commission (NHRC).

Whenever the mortality in the prison during a month exceeds 1% per annum, he shall record an explanation of the cause of such excess of mortality in the monthly return. In cases of un usual mortality, he shall make a special report on the subject for the administration through the HoPD.

#### **7.56 Registration of Birth or Death in Prison**

The Deputy Superintendent of Jails shall send intimation of birth or death in a prison in writing to the Registrar of the locality appointed for the purpose under the Registration of Births and Deaths Act, 1969(Central Act XVIII of 1969).

#### **7.57 Death in Custody**

Deaths of all prisoners whose fingerprints have been taken and if known in prisons, shall be intimated immediately to the Finger Print Bureau.

When a military prisoner dies in prison, immediate report thereof shall be given to the Commanding Officer who sent him to the prison.

When a foreign prisoner dies in prison immediate report shall be sent to the District Magistrate of the district and the HoPD for further communication to the Administration. The administration shall inform the embassy or the appropriate authority about the death.

Where a woman prisoner dies in prison and leaves a child behind, notice shall at once be sent to the District Magistrate of the district who shall make arrangements for further care of the child as may be deemed fit.

Where a convicted prisoner dies in prison his warrant shall be returned to the court from which it was issued with an endorsement certifying the cause and date of death. Where a remand or an under-trial prisoner dies in prison, the court or courts in which the case or cases are pending, against the deceased shall immediately be informed of the fact of death in writing.

#### **7.58 Recording of Death**

Entries relating to the death of a prisoner shall be made in the concerned registers, in the History Ticket in detail and in the hospital records. All records relating to the death of a prisoner shall be preserved for at least two years.

#### **7.59 Disposal of the Dead Bodies of Prisoners**

The body of any prisoner, including that of a child residing with a female prisoner, who dies in a prison or in a hospital or asylum, shall be disposed in accordance with the law and main responsibility lies with the Police to deal with the matter :

- (i) The body may be handed over to the relatives only after a post-mortem in the hospital, if available. For this purpose it may be kept in the hospital mortuary for 24 hours.
- (ii) If there is no chance of relatives or friends reaching within 24 hours, the prison authorities shall dispose of the body in accordance with the hospital rules.
- (iii) The delivery of a body to relatives or friends shall be subject to the conditions that there shall be no public demonstration of any nature in regard to its removal.
- (iv) The Jail Superintendent in every case shall conduct an identification test to ensure that the dead body is the body of the particular prisoner and satisfy that the marks of identification mentioned in the convict register tally with those on the dead body.  
The relatives of prisoners, if poor, may be paid a maximum amount of Rs.5000/- for transporting the dead body of the prisoner to their native place or for performing last rites or actual, whichever is more.

#### **7.60 Intimation to inquiring Magistrates and Police Officers**

Intimation of all deaths, including that of children residing with female prisoners, occurring from whatever cause in the prison shall be sent to:

- (i) The nearest Magistrate empowered under the Code of Criminal Procedure, 1973 to hold inquests except those dying outside hospital in which case, the cause of death or disease is diagnosed;
- (ii) The officer in charge of the police station having jurisdiction of the Institution or where death has occurred is required to make preliminary investigation and has responsibility to take-up/tackle the issue under law with all concerned in consultation with the Jail Superintendent.
- (iii) National and Local Human Right Commission within 24 hours of death.

The body of the deceased prisoner or the deceased child of the female prisoner shall be kept for inspection and orders of the officer holding the inquests. No prison officers shall be a member of a panchayat formed to express an opinion as to the cause of death of any prisoner or deceased child of the female prisoner.

#### **7.61 Indent for Clothing and Bedding**

The quantities of clothing and bedding required for hospital use shall be reported in fixed time by the Sr. Medical Officer to the Superintendent who shall include them in the general indent as the case may be of prison clothing submitted for sanction by the HoPD.

#### **7.62 Indent for Other Articles**

For articles other than diet, clothing and bedding, the Sr. Medical Officer shall indent by letter to the concerned authority through Jail Superintendent.

#### **7.63 Local Purchase of Medicines**

Local purchase of medicines will be affected by the Jail Superintendent in consultation with Sr. Medical Officer as per the norms laid down by the Department of Health Services.

The disposal of other medical articles like clinical waste, medicines whose validity has expired etc., will be dealt in accordance with norms laid down by the Medical Services.

#### **7.64 Placing Indents for Supply of Medicines**

The Sr. Medical Officer/Medical Officer shall procure medicines required for the prison hospitals through Jail Superintendent.

#### **7.65 Stock Verification by the Jail Superintendents**

The stock verification of medicines and medical instruments shall be carried out by the Superintendent of the Jail in accordance with the procedure laid down under rules.

#### **7.66 Appointment of Attendants and Training of Nursing Orderlies**

For the purpose of attending to sick prisoner a few educated convicts of good conduct and undergoing long sentences shall be selected by the Superintendents in consultation with the Medical Officer and trained as nursing orderlies. A brief syllabus for their training shall be prepared as a guide to the Medical Officer who, under the direction of the Medical Officer, shall be responsible for conducting such training. The number of convicts employed as nursing orderlies shall ordinarily be in the ratio of one for every ten patients. In times of epidemics and other emergencies this proportion may be increased and special-orderlies may be allowed for very serious cases or for bed-ridden patients. Convict nursing orderlies, who perform their duties satisfactorily, shall be allowed extra remission and gratuity at the same rate and scale prescribed for reconvict night watchman.

#### **7.67 Appointment of prisoners to perform unskilled tasks at the Hospital**

The Superintendent shall detail sufficient number of convict to perform unskilled tasks duties at the hospital. Such convicts shall work under the orders of the Medical Officer. Only prisoners serving long sentences, and who are of good conduct, shall be sent for such duties.

#### **7.68 Case Sheet**

A case sheet and temperature chart shall be prepared as per the norms laid down in the Medical Services.

#### **7.69 Vaccinations of Prisoners on Admission**

Every prisoner admitted to prison shall be vaccinated on admission, or as soon as possible afterwards as per the norms laid down in the Medical Services.

#### **7.70 Vaccination Register**

A vaccination register shall be maintained and the particulars of those vaccinated shall be entered in it as per the norms laid down by the Medical Services.

#### **7.71 Medical Examination of the Members of the Staff**

Medical examination of the members of the staff may be done at least one year in consultation with the Jail Superintendent. Reports of such medical examination shall be kept in the office of the Superintendent.

#### **7.72 Fortnightly Weighing**

Care shall be taken that the fortnightly weighing, are done at approximately the same time of day to avoid as far as possible, the variations that naturally take place throughout the day.

Since no labour is done on Sundays, Sundays will be most suitable for taking weights. When the number of labouring prisoners is large, they can be divided into two groups, with each group being weighed on alternate Sundays. Assistance of the pharmacist and a member of the executive staff detailed by the Superintendent may be taken for the purpose.

Explanation-. The body weight varies to a certain extent from time to time under normal conditions. Therefore, small differences of weight up to 1 kg would not necessarily indicate that the weights were taken carelessly.

#### **7.73 Record of weights**

The initial weight on admission to prison and the final weight before release shall be recorded in the Convict Register and these, as well as all the intermediate fortnightly weights, shall be recorded in the prisoner's Medical History Sheet and weight chart.

Before recording the prisoner's weights, it shall be ascertained that the weighing machines are accurate.

#### **7.74 Treatment of Prisoners Losing Weight**

All prisoners who have lost more than 1.5kgs since the last fortnightly weighing, or more than 3.0kg since admission to prison, shall be paraded with their weight charts for the inspection of the Superintendent and the Sr. Medical Officer on the day following the day the weighing is done.

Special care shall be taken in case of prisoners with a poor physique on admission, for whom even small loss of weight may be of serious concern.

#### **7.75 Check by Senior Medical Officer**

The Sr. Medical Officer shall, as soon as possible after the fortnightly weighing, check the weights of a dozen or more prisoners picked randomly to satisfy him of their accuracy and shall record in his journal any remarks he may consider necessary.

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## **CHAPTER VIII**

### **CONTACT WITH OUTSIDE WORLD**

The Jailor/Deputy Superintendent may demand the name and address of any visitor to a prisoner, and when the Jailor/Deputy Superintendent has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not, be made in the presence of any prisoner or of another visitor.

In case of any such visitor refusing to permit himself to be searched, the Jailor/Deputy Superintendent may deny him admission; and the grounds of such proceedings, with the particulars there of, shall be entered in such record as (the Administration) may direct.

(Section 41 of Prisons Act, 1894)

#### **8.01 Reasonable facilities to be allowed for interviews and letters**

Every prisoner shall be allowed reasonable facilities for seeing or communicating with, his/her family members, relatives, friends and legal advisers for the preparation of an appeal or for procuring bail or for arranging the management of his/her property and family affairs. He/she shall be allowed to have interviews with his/her family members, relatives, friends and legal advisers once in a week. The number of letters a prisoner can write in a month shall be four fixed under the rules subject to the discretion of the Jail Superintendent, the Video Conferencing facility at the prison may be utilized for e- mulaqat.

On admission, every prisoner should submit a list of persons who are likely to interview him/her and the interview shall be restricted to close family members, relatives and friends. The conversation at the interviews shall be limited to private and domestic matters and there shall be no reference to prison administration and discipline and to other prisoners or politics. The number of persons who may interview a prisoner at one time shall ordinarily be limited to three (excluding children below age of 12). However Jail Superintendent on genuine ground may allow more visitors at his discretion.

#### **8.02 Privileges Contingent on Good Conduct**

The contents of all letters shall be limited to private matters. Postage stamps may be allowed to be purchased for letters addressed by prisoners to their relatives in foreign countries at their cost. If the prisoners have no cash in credit, it shall be supplied at government cost in deserving cases, and at reasonable intervals, at the discretion of the Jail Superintendent. The prisoners shall not be allowed to misuse such privileges. In addition to the number of letters allowed in a month the prisoners shall be allowed, if they so desire, a special letter in order to inform their families of their transfer from one prison to another. This shall be in addition to the letters allowed to them. Ex-prisoners and habitual prisoners, who apply to see their friends lodged in a prison, may not be permitted such interview by the Superintendent unless and until there exist a genuine reason for such interview.

These privileges of interviews with visitors, and of writing and receiving letters, are contingent to good conduct. These privileges may be suspended or withdrawn by the Jail Superintendent on grounds of bad conduct.

Explanation (1): Every prisoner shall be given the option of informing his/her family of his/her committal to the prison immediately on his/her admission, he/she shall be provided with a post carder inland letter for this purpose; or in the alternative Superintendent Jail may inform his/her family member telephonically if they postal mail is likely to take much time.

Explanation (2): A letter merely arranging an interview shall not be counted as a letter for the purpose of this rule.

Explanation (3): A prisoner may substitute letter with a reply for an interviewer vice versa with the permission of the Superintendent.

Explanation (4): Prisoners shall not be allowed to correspond with prisoners in other prisons. If, however, a prisoner has got his/her relatives in another prison, he/she may be permitted to write to them, subject to the restrictions contained in these rules.

### **8.03 Superintendent's Discretion to Grant Privilege sat Shorter Intervals**

If he considers that special or urgent grounds exist for such concession, the Superintendent may at his discretion, grant interviews or allow the dispatch or receipt of letters at shorter intervals than provided in spite of a prisoner's misconduct. This could be in the event of the prisoner being seriously ill, or the death of a near relative, or when his/her friends or relatives have come from a distance to see the prisoner and it would inflict undue hardship on them if they are refused an interview, or if the prisoners nearing release and wishes to secure employment, or for any other sufficient cause. Matter so importance, such as the death of a relative may also be communicated at any time to the Superintendent who will, if he thinks it expedient, inform the prisoner about it.

### **8.04 Prisoners Allowed to sign a Power of Attorney**

Every convicted prisoner may at the discretion of the Superintendent be permitted to sign and attest a power of at tourney or other statements/ conveyances concerning his/her properties.

### **8.05 Interview with Prisoners in the Same Prison or in Hospitals outside the Prison and in any other nearby Prison.**

Subject to the provisions of the above rules, the Superintendent shall also permit interviews between convict men and women prisoners who are related to each other by marriage or blood, when they happen to be confined in the same prison, or when one is in the Central Prison and the other in the Special Prison for Women. If a prisoner is to be sent out of the prison for the purpose of such interviews, he/she shall be sent under adequate escort.

The Superintendent shall permit a prisoner, other than a condemned prisoner, to see a prisoner in a hospital outside the prison subject to the following conditions: —

- (i) The prisoner in the hospital is a close relative and is seriously ill;
- (ii) The hospital is situated in the same city or town;
- (iii) The prisoners sent under adequate escort as the Superintendent decides;
- (iv) The prisoner shall return to the prison immediately after seeing the prisoner in the hospital.

Provided that nothing contained in this rule shall apply to persons detained under preventive detention laws or prisoners who habitually commit offences punishable under sections 224,376,396to400,402,467,471,472,474,489,489-A,489-B and 489-D of the Indian Penal Code, 1860 and who are convicted under the above-mentioned sections of the Indian Penal Code.

### **8.06 Superintendent's Permission for Interviews Required**

No prisoner shall be allowed to have an interview without the permission of the Jail Superintendent or an Officer authorized by the Superintendent. Such permission shall be recorded in writing.

Applications for interviews with prisoners may be either oral or in writing. If the prisoner is not entitled to have an interview, the applicant shall be informed at once.

No interview shall be granted to Police or any other agency unless authorized by the Court, Prison Headquarter or the Administration for a specified reason in writing.

### **8.07 Waiting Rooms**

Suitable waiting rooms may be provided in every prison to enable visitors to await their turn or interview. They may be given a token to await their turn.

### **8.08 Interviews on Prison Holidays**



Interviews shall not ordinarily be granted on Sundays and other government Holidays. The Superintendent one may, however, under very exceptional circumstances, grant interviews on these days as well. There as on for granting such interviews on Sundays or Holidays shall be recorded by the Superintendent in the report book.

### **8.09 Time for Interviews**

The Superintendent shall fix the days and hours at which all interviews shall be allowed.

No interviews shall be allowed at any other time, except with the special permission of the Superintendent. A notice indicating the interview hours shall be posted outside the prison.

### **8.10 Place of Interview**

Every interview shall take place in a special part of the prison appointed for this purpose. If possible, such a place shall be at or near the main gate to ensure the safety and security of prisoners. The interview room will have fiber glass partition with intercom facilities, so that the prisoners can have a peaceful interview. The interview room shall be divided into cubicles and should have sound-proofing materials covering its walls and ceiling. However, the Jail Superintendents may allow well-behaved prisoners to have face-to-face interviews after giving due consideration to security and other related aspects. Interviews with female prisoners shall, if practicable, take place in the female Interview Room, separate from male area. If a prisoner is seriously ill, the Superintendent shall permit the interview to take place in the prison hospital. A condemned prisoner shall ordinarily be interviewed in his cell. The Superintendent may, however, for special reasons to be recorded in writing, permit an interview to take place in any other part of the prison.

### **8.11 Prevention of Passage of Prohibited articles during interview**

Screen or wire mesh partitions shall be put up, if necessary, between the prisoners and the persons interviewing them, to prevent the passage or exchange of any prohibited articles between them; where fiber glass is not in place.

### **8.12 Interview to take place in the presence of a prison official**

Every interview with a prisoner shall take place in the presence of an experienced prison official, who shall be positioned at a place from where he can see and hear what passes between the prisoner and his interviewer and he shall prevent any article being passed between the two parties. A lady Deputy Superintendent, a Matron or a female warder shall be present when female prisoners are interviewed.

Note.—Every interview with a terrorist or militant, whether serving a sentence or kept as an under-trial, prisoner, or a prisoner detained under Preventive Detection Laws, shall take place in the presence of an experienced prison officer. Relatives and friends of such prisoners, who desire to interview them shall produce duly authentic cited identity documents like a family ration card, Aadhar Card, voter's identification card and/or passport.

### **8.13 Communication with or Visit to Foreign Nationals**

If any foreign national is committed to prison, or to custody pending trial, or is detained in any other manner, the Jail Superintendent shall, immediately inform the Head of Prisons Department. Any communication addressed to a Consulate, by a prisoner or detente, shall be forwarded to the Ministry of External Affairs through proper channel without undue delay. Such communication shall be subject to scrutiny/censorship by the Prison Authority as per rules. The particulars of incoming and outgoing letter so far foreign national, if found objectionable shall be censored and also furnished to the Administration Whenever Consulate Officials of a foreign country seek permission to visit or interview a prisoner for arranging legal representation for them, or for any other purpose, the Jail Superintendent shall inform the HoPD of such request from the Consulate. Only on receipt of orders from the HoPD the Jail Superintendent shall permit Consulate officials to visit the prisoner.

Any other person desirous of having Interview with the Foreign National, he shall apply to the Jail Superintendent beforehand and furnish details about his relation and purpose; same shall be forwarded to Headquarter for verification through CID before allowing such interview.

Note 1 : The right to interview a foreign national imprisoned does not mean private interview and does not include the right to inspect the living quarters of the prisoner/detente. This is also subject to general regulations regarding interviews imprisoned.

Note 2 : In case of displaced persons who originally belong to other countries, having local residential address as mentioned in the docket or court order due to their state of adoption, their families/relatives be permitted interview by the Jail Superintendent; as the state of their adoption shall be treated as their home state.

#### **8.14 Termination of Interview**

An interview may be terminated at any moment if the prison officer present considers that there is sufficient cause for terminating it. In every such case, the reasons for terminating the interview shall be reported at once to the senior most prison officer present in the prison.

#### **8.15 Interview during Pandemic/epidemic**

During the incidence of pandemic/epidemic if there is any direction for lockdown and social distancing due to which interview of the inmates is required to be stopped. Superintendent Jails shall facilitate interview of prisoners with their family members over telephone/video conferencing only after verifying the phone numbers.

#### **8.16 Duration of Interview**

Ordinarily, the time allowed for an interview shall not exceed half an hour. However, this may be extended by the Jail Superintendent at his discretion.

#### **8.17 Search before and after Interview**

Every prisoner shall be carefully searched before and after an interview. The visitor coming for interview shall be jointly searched by the Prison personnel and the personnel of Central Armed Police Force/other armed police meant for outer security of the Institution.

#### **8.18 Interview to Public Representatives.**

A public representative may be allowed interview with Prisoner(s) for bonafide reason being representative of Prisoners segment/area; with prior permission from the HoPD.

#### **8.19 Meeting with Advocates/Counsel**

An under trial/prisoner is allowed to have an interview with his defence counsel whether engaged privately or through legal aid; provided the visiting Advocate prove his/her bonafide i.e. photocopy of signed Vakalatnama duly attested by the Presiding Officer of the trial Court.

#### **8.20 Powers to refuse an interview**

The Jail Superintendent may refuse to allow any interview, to which a prisoner would ordinarily be entitled under these rules, if in his opinion is not in public interest to allow a particular person to Interview the prisoner, or if, there is other sufficient reasons to refuse an interview. In every such case, the Jail Superintendent shall record his reasons for such refusal in his journal.

#### **8.21 Withholding of Letters and their disposal:**

Criteria for withholding of letters of prisoners are as under:

Prisoners may be allowed to write letters only to their family members, relatives and close friends. Prisoners should also be allowed to correspond with the counsels handling their cases. In case it is found that the prisoner is corresponding with undesirable persons or receiving letters from them, or if any correspondence is found detrimental to the prisoner's rehabilitation, such letters, and both incoming and outgoing, shall be withheld. Prisoners should be informed of such action without divulging the contents of the letters received. If necessary, they may also be warned in this regard. There may be no limit on the number of incoming letters to a prisoner.

Prisoners shall not be allowed to correspond with inmates of other prisons. However, if a prisoner has his/her relative lodged in another prison he may be permitted to send letters to them informing them to his /her welfare?

The Jail Superintendent shall have the right to disallow letters to prisoners for reasons of security and discipline or during periods of emergencies, if he considers it necessary. For the purpose of these rules, applications sent by prisoners shall not be treated as letters.

No letter shall be delivered to, or sent by a prisoner, until the Superintendent/ Addl. Superintendent is satisfied that its transmission is not objectionable. No letter written in secret language shall be allowed. The Superintendent may withhold any letter which seems to him to be, in anyway, improper or objectionable. He may also cause such passages in the letters to be erased. If a letter is written in local language and cannot be satisfactorily translated in the prison concerned, it shall be sent to some other officer for translation, in accordance with the procedure laid down for this purpose by the HoPD. Subject to the approval of the administration of Union territory of Ladakh, arrangements may also be made to send such letters for translation to other Administration departments. If a letter is written in a language not ordinarily used in the UT; it shall be sent for translation to the Criminal Investigation Department. A slip marked 'Urgent' shall be attached to any letter sent outside the prison for translation so that unnecessary delay does not take place in their translation and examination.

If a letter addressed to a prisoner is improper or objectionable it may be withheld under intimation to the prisoner and kept in the custody of the Jail Superintendent, or it may be returned to the sender under intimation to that prisoner. The Jail Superintendent may, if he deems it necessary, communicate the contents of such a letter to the prisoner.

### **8.22 Prisoners May Keep Letters**

A prisoner may retain any letter which has been delivered to him under due authority.

### **8.23 Supply of Writing Materials and Other Facilities**

Writing material, including service post cards, shall be supplied in reasonable quantities to any convict, who has permission to write letters. All letters by prisoners shall be written at such time and place as the superintendent may appoint. A fixed day of the week, preferably Sunday, shall be set apart for letter writing. Service postage stamps shall also be provided to convicted prisoners.

Prisoners shall be allowed to purchase writing material at their own expense. All notebooks provided to them should have their pages numbered to keep a check on their misuse and to prevent secret correspondence.

### **8.24 Exclusion from Privileges**

If any prisoner abuses any privilege relating to the holding of an interview, or writing of letters, or of communication with persons outside the prison, he shall be liable to be excluded from such privileges and may be subjected to other restrictions for specified period not exceeding one month, as the Jail Superintendent may consider necessary (Facilities to be granted to Under Trial and Civil Prisoners for Interviews and for writing and receiving letters).

### **8.25 Under mentioned facilities may be granted to under trial and civil prisoners**

Under-trial and civil prisoners shall be granted all reasonable facilities to interview, or write letters to their family members, relatives, friends, and legal advisers.

Every interview between an under-trial prisoner and his legal adviser shall take place within sight, but out of hearing, of a prison official. A similar concession shall be allowed by the Superintendent in the case of an interview with any near relative of an under trial.

When any person desires an interview with an under-trial prisoner in the capacity of the prisoner's legal adviser, he shall apply in writing, giving his name and address and specifying the purpose of the interview. He must satisfy the Jail Superintendent that he is the bonafide legal adviser of the prisoner with whom he seeks interview and that he has legitimate business with him.

Any bonafide written communication prepared by an under-trial prisoner as instructions to his legal adviser (i.e. a legal practitioner within the meaning of the Advocates Act, 1961 (Central Act XXVI of 1961) may be caused to be delivered personally to such legal advisor, or to his authorized nominee. If such communication is confidential, it shall be delivered without being previously examined.

Civil prisoners may see their family members, friends, relations and legal advisers at such time, and under such restrictions, as the Superintendent may decide and the presence of a prison officer shall not be necessary. No such visitor shall, however, be allowed to take eatables without the permission of the Superintendent inside the prison.

#### **8.26 Communications from a Prisoner who is a Member of the UT/State Legislature or of Parliament**

All communications addressed by a prisoner, who is a member of the UT/State Legislature or of the Parliament, to the Speaker or Chairman of the House of which he is a member, or to the Chairman of Committee (including a Committee on Privileges) of such a House, or of a Joint Committee of Legislature, or of Parliament, shall be immediately forwarded by the Jail Superintendent to the administration to deal with it in accordance with the rights and privileges of the prisoner as a Member of the House to which he belongs.

#### **8.27 Telephonic and Electronic Communication**

The Jail Superintendent may allow a prisoner the use of telephones or electronic modes of communication on payment, to contact his family and lawyers, from time to time, in accordance with the policy framed. The prisoner can use this facility under the supervision of a prison officer to be designated by the Superintendent. While permitting a prisoner the use of such facilities, the Superintendent shall ensure that such permission is not given to prisoners who have a record of unruly behaviour and bad conduct.

#### **8.28 Other Amenities Relating to Prisoners**

A copy of the rules relating to prisoners shall be placed in each cell and one copy of the Do's and Don'ts for prisoners shall be given to them. An abstract of the rules shall also be displayed inside the prison gate and on the walls of important prison buildings.

All prisoners shall be allowed to receive fruits and sweets from their friends and relatives, subject to the condition that the quantity received is limited to their personal requirements for a fortnight and that a thorough examination of the articles, to be passed to the prisoners, is done by a senior officer of the prison.

#### **8.29 Facilities for Appeal shall be explained**

All relevant rules about appeals, and the facilities available in the prison for preparing and sending appeals, shall be explained to the prisoners at the time of their admission by the Welfare Officer.

#### **8.30 Welfare Officer shall Record the Desire of the Prisoner to Prefer an Appeal**

Upon conviction, the Legal Aid Cell/ Clinic/ the Probation/ Welfare/ Rehabilitation Officer shall ascertain whether the prisoner desires to file an appeal or not and record it in the convict register and on the History Ticket of the prisoner and the prisoner shall be required to sign the History Ticket or affix his left thumb impression thereon.

This shall be verified and confirmed by the Deputy Superintendent and the Superintendent or Additional Superintendent at the time of the prisoner's physical verification.

### **8.31 Superintendent to Forward Petitions of Appeal**

Under Code of Criminal Procedure, 1973, an appellant, who is in prison, may present his petition/appeal, and the documents accompanying it, to the Superintendent who shall, thereupon, countersign and forward them to the proper appellate court at government cost.

All such appeals shall always be sent by registered post.

### **8.32 Application for Copy of Judgment**

If the copy of the judgment is not received by the prisoner, the Superintendent shall immediately address the court, on his behalf, for sending its transcript. In the event of any such transcript of the judgment being sent to the prison authorities for delivery to a prisoner by the appellate, revision or other court, the official concerned shall get it delivered to the prisoner and obtain a written acknowledgement thereof from the prisoner. If, before the receipt of the transcript of the judgment, the prisoner had been transferred to another prison, or to the custody of any other officer, the transcript of the judgment shall on receipt, be forwarded without delay to the Superintendent of such prison or such officer, as the case may be. Till such time as the copy/transcript of the judgment is received by the prisoner, the Jail Superintendent shall ensure that a reminder for sending a copy of the judgment is sent to the concerned court every week. If the copy of the judgment is not received within one month of forwarding the application to the court, the Jail Superintendent shall detail a prison official to visit the court personally and collect a copy of the judgment and have it delivered to the prisoner.

### **8.33 Prisoners to be assisted in Preferring Appeals**

Where the prisoner seeks help to file an appeal or revise on petition, every facility for the exercise of this right shall be provided to the prisoner by the Jail Superintendent. If a prisoner desires to file an appeal and declares that he has no friends or relatives or agents who can file an appeal on his behalf, he/she shall be provided with writing materials and allowed to write his own petition or appeal.

### **8.34 Special Leave to Appeal**

The procedure governing the submission of petitions of special leave to appeal is contained in rules 1, 2, 3 and 4 of Order XIII and Rules 1 and 4 of Order XVIII read with Rule 2 of Order XXI of the Supreme Court Rules of 1950. These rules lay down that a petition for special leave to appeal should be drawn up in the proper form and should be accompanied by the following documents:

- i. Certified copy of the judgment of the court appealed from.
- ii. An affidavit to the effect that notice of the intended petition for special leave to appeal has been served upon the respondents.
- iii. An affidavit in support of the petition as required by Rule 4 of Order XVII of the Supreme Court Rules, 1950.
- iv. An application for condonation of delay in filing the petition, if it is presented after the expiry of the period of limitation.
- v. Certified copies of the judgments of the lower courts.

The Superintendent shall communicate a list of prisoners of the following categories to the Duty Counsel; Legal Services Authority at the High Court, and Legal Services at Supreme Court, in addition to contacting with District Legal Services Authority on continuous basis, for providing of legal aid and assistance to them:

- i. Under-trial prisoners who are old and infirm, including women who are pregnant or have babies to be nourished.

- ii. Under-trials who have spent more than three months in prisons and who have no means to engage a counsel.
- iii. Persons arrested on suspicion under Section 41 of the Criminal Procedure Code who have been in prison beyond a period of 15 days.
- iv. Under-trials who, the Superintendent has reasons to think, have not completed 18 years of age and who should ordinarily be kept away from adults Any convicted prisoner who has already filed an appeal through prison authorities, as provided in the Criminal Procedure Code and who has given in writing his/her desire to avail free legal aid. The Superintendent shall also supply information to the Duty Counsel regarding such appeal along with a copy of memorandum of appeal, if available.
- v. Prisoners, or the members of the family, requiring legal assistance in any civil or criminal matters.

Information regarding seeking of legal aid may be passed on by the Superintendent to the Duty Counsel if the concerned prisoner has given in writing his/her desire to avail of free legal aid. If the Duty Counsel so desires, he/she may interview the prisoner with regard to these matters.

The provisions which are applicable to petitions for Special Leave to appeal to the Supreme Court on behalf of the condemned prisoners, shall also apply to such petitions on behalf of other convicts.

### **8.35 Exclusion of Time Taken in Obtaining Copy of Judgment**

The date on which a prisoner expresses his intention to appeal shall be entered at the appropriate space in his/her History Ticket. The time between that date, and the date on which the copy of judgment is delivered to the prisoner, shall be treated as the time required for obtaining a copy of the order or sentence appealed against, within the meaning of the Limitation Act.

**The periods allowed under the Limitation Act for filing of appeals to different court are as follows:**

<u>Description of appeal</u>	<u>Period of limitation</u>	<u>Limitation starts from</u>
(1)	(2)	(3)
Under the Code of Criminal Procedure Code 1973		
From a sentence of death passed by a Court of Sessions or by a High Court in the exercise of its original criminal jurisdiction	30 days	The date of the sentence
From any other sentence or any order not being an order of acquittal		
To the High Court	60 days	The date of the sentence or order
To any other Court	30 days	

In order to enable the appellate courts to calculate the period of limitation prescribed for criminal appeals under the Limitation Act 1963 (Central Act 36 of 1963), every appeal petition shall be endorsed with the following notice, signed by the Jail Superintendent:

“The period requisite for obtaining a copy of the order appealed against to be excluded from the period of limitation under section 12 of Limitation Act, 1963, was..... days”

### **8.36 Delay in Preparing Petition to be noted**

If any delay has occurred in preparing the appeal or revision petition after the receipt of the copy of judgment, a note of such delay shall also be made on the appeal or revision petition.

### **8.37 Maintenance of Appeals Register by the Welfare Officer**

The Welfare Officer shall maintain an Appeal Register. He shall cause the register to be placed before the Jail Superintendent or Additional Superintendent as frequently as may be necessary. Starting from the date on which the prisoner expresses his/her desire to file an appeal, till the date of receipt of the order of the appellate court disposing of the appeal, all such dates on which action is taken during the entire process shall be entered in the Appeals Register and attested by the Superintendent or Additional Superintendent. This would include dates on which requisition for judgment copy is sent, the date of the receipt of judgment copy; the date of delivery of the judgment copy to the prisoner or other nominated party, and date of receipt of appeal from the prisoner.

The Superintendent or Additional Superintendent shall ensure that there is no delay in the process of disposing of appeals/petitions. The Welfare Officer is directly responsible to the Superintendent or Additional Superintendent in these matters. After forwarding the appeals/petitions, the superintendent shall send reminders to the Clerk/Registrar of the appellate court asunder:

Session Court	: Once in 15 days
High Court or Supreme Court	: Once in a month

### **8.38 Notice of the Date of Hearing shall be communicated to the Prisoners**

When notice of the date of hearing of an appeal or petitions received, it shall be communicated to the convict who shall affix his/her signature or left thumb impression stoke of receipt of such notice, on the notice. The notice shall then be attested by the Superintendent or Additional Superintendent and returned to the concerned court.

### **8.39 Personal Appearance of the Prisoner in the Appellate Court**

When notice to show-cause why prisoner's sentence should not be enhanced received from the appellate court, the prisoner shall be asked whether he/she wishes to apply for permission to appear in person before the court concerned. If he/she says so, the Superintendent shall forward his/her application to the court for orders. Arrangements shall be made for his/her personal appearance in the court if such permission is granted.

### **8.40 Appeal Procedure with Regard to Persons Convicted by Court-martial**

No appeal lies from a sentence passed by a court martial under the Army Act, 1950 (Central Act XLVI of 1950). The prisoner has a right to submit one petition only, against the judgment or sentence, for disposal by the highest authority to which he/she is authorized to apply. His/her legal rights to submit a petition and the authority to which petition shall be addressed are explained to every accused at the time of the pronouncement of sentence. Such a petition shall be forwarded to the authority to which it is addressed. Appeals or petitions addressed to the Government of India, or to any civil authority, shall be forwarded to the Central Headquarters of the concerned Armed Force for disposal.

### **8.41 Record of the Result of Appeal**

In every case in which a sentence is modified or reversed on appeal, the Superintendent of Jails concerned, on receiving the warrant prepared by the appellate courts in terms of the order passed, shall inform the prisoner of the decision of the appellate court and make a note of it in the History Ticket and the other connected records. The sentences shall be accordingly corrected and the revised dates of release shall be entered and got attested by the Deputy Superintendent and the Superintendent or Additional Superintendent.

In every case in which a sentence is confirmed on appeal, the Jail Superintendent shall receive information to this effect from the Appellate Court. The confirmation of sentence or appeal shall be entered in the History Ticket and other connected records and attested by the Deputy Superintendent and the Superintendent or Additional Superintendent.

#### **8.42 Communication of Appellate Orders**

On receipt of an order disposing of an appeal, the purport thereof shall be communicated to the prisoner concerned in the presence of the Superintendent who shall enter on the order a certificate to the effect that it has been so communicated. Whenever a prisoner has been transferred before the receipt of orders on his/her appeal, such orders shall be forwarded, without delay, to the Jail Superintendent in which the prisoner is confined.

#### **8.43 Record of the Appellate Order**

The order and judgment of the Appellate Court, the copy of the original judgment, and other connected records, shall, be filed and kept along with the prisoner's warrant.

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## **CHAPTER IX**

### **TRANSFER OF PRISONERS**

#### **9.01 Reasons and Circumstances for Transfer**

Prisoners will be transferred from one prison to another for the following reasons:

- (i) For custody and treatment in a suitable institution in accordance with the classification procedure.
- (ii) For attendance in court for the purpose of standing trial or giving evidence.
- (iii) On medical grounds.
- (iv) On humanitarian grounds, in the interest of their rehabilitation.
- (v) For post-release vigilance by the police.
- (vi) For providing essential services.
- (vii) On grounds of security, expediency, etc.
- (viii) To be nearer to his/her home district.
- (ix) For imparting training in other Jails (District/Sub Jails) as a skilful Prisoner.
- (x) For other special reasons, if any.

#### **9.02 Home State**

In the case of displaced persons who originally belong to other countries, the State of their adoption shall be treated as their home State.

In the case of a prisoner who has long ceased to have any link with the State of his birth and is domiciled in the State where he is imprisoned and /or where his close relatives live, the latter State may be treated as his home State for the purpose of transfer. This should be ascertained from his antecedents, enquiries regarding his relatives, etc, before deciding to transfer him.

#### **9.03 Powers of Head of Prisons Department (HoPD). HoPD has following powers:**

Subject to the order and control of the Administration, HoPD is authorized to sanction the transfer of such prisoner as are referred to in section 29 of the Prisoners Act, 1900 from one prison to another within the territory.

The powers to transfer any prisoner under sentence of death from one prison to another shall rest with the Administration.

The sanction of the HoPD is, however will not be necessary in the following cases:—

- (i) Transfer of prisoners to classified institutions as per standing orders ;
- (ii) Transfer of prisoners required to give evidence or to undergo trial for an offence in another State;
- (iii) Transfer on account of over-crowding and other urgent (administrative) grounds by DIG Prisons with due approval or pending approval from HoPD.

Note.- In all such cases, prompt intimation should be sent to the concerned court (in case of under trial/remand prison) and to Administration in anticipation of its sanction (in case of detainee).

Capacity of each prison should be available with the courts of jurisdiction so that the presiding officer can consider the same before ordering afresh lodgement in any institution.

#### **9.04 Transfer of sick Prisoners**

Prisoners may be transferred from one prison to another prison on following grounds:

- (i) When the Medical Officer is of the opinion that the transfer of a sick prisoner to another prison is likely to lead to his/her recovery, or will help in prolonging his/ her life, he shall forward a brief statement of the case to the Superintendent, mentioning the prison to which a transfer is desirable. The Superintendent shall thereafter submit the case to the HoPD for his orders.
- (ii) The Superintendent shall, on a requisition in writing from the Medical Officer, supply extra food, clothing and bedding to prisoners for such journeys. Medicines, with instructions for their use, shall if necessary, be supplied to the officer escorting such prisoner.
- (iii) The Medical Officer shall be responsible to ensure that the medical case sheet of a prisoner is up-to-date at the time of his/her transfer.
- (iv) No prisoner, who is incapable of ordinary hard labour on account of age, sickness or infirmity, shall be recommended for transfer except under special circumstances.

### **9.05 Prisoners convicted in the same case**

Prisoners convicted in the same case may be transferred to different prisons if, in the opinion of the Superintendent, it is absolutely essential to do so in the interests of discipline and maintenance of order in the prison.

### **9.06 Transfer of habitual prisoners**

The Superintendent may apply to the HoPD for transfer of a habitual prisoner from the prison on the ground that the prisoner is familiar with the locality and surroundings because of previous imprisonment there or otherwise. However, the HoPD shall order transfer of such prisoners only in special cases, treating every such application on its merit, and after satisfying himself that sufficient reasons for transferring the prisoner exist.

### **9.07 Transfer of young offenders**

Young offenders (in the age group of 18 to 21) admitted to a prison shall be transferred to a suitable institution for young offenders, under the orders of the HoPD. They shall be transferred back to the prisons of their origin after they attain the age of 21 years if their sentence of imprisonment is not complete. Special arrangements must be made for them in such cases to continue getting the borstal treatment, till their normal release.

### **9.08 Transfer of prisoners convicted by civil courts of competent jurisdiction on reciprocal basis**

Every prisoner convicted by a civil court of competent jurisdiction, other than that of his/her origin, may be transferred to his State of origin, if his unexpired portion of sentence is at least three months at the time of his transfer. He would be moved either to a prison in the district to which he belongs or to a Prison nearest to his native place. In the case of any such prisoner to be transferred to his native State, the Superintendent of Police and the Probation/Welfare/Rehabilitation Officer of that district of the state shall confirm the fact that the prisoner is native of that district of the state.

In the case of any such prisoner to be transferred to another State, the Jail Superintendent, where the prisoner is confined, shall obtain from the prisoner a written declaration giving details of his address as also addresses of his relatives in his State of origin and send a nominal roll to the Inspector General of Prisons of that State. The HoPD shall also ascertain the name of the prison, in the State of origin to which the prisoner has to be transferred from the Inspector General of that State and then issue orders for the transfer of the prisoner.

Explanation: (i) Due consideration shall be given to the wishes of a prisoner regarding transfer to his home State, unless there are adequate reasons against it – for instance, his being out of mind or obstreperous or an aged parent wishing to be able to see his children during the last days.

Explanation: (ii) The transferring State shall bear the cost of transfer of the prisoner. The cost of maintenance of the prisoner shall be borne by the State of his origin from the date he is received.

Explanation: (iii) The prisoners' property and wages earned by him in the prison till the date of his transfer shall be sent, along with the prisoner, to the prison to which he is transferred.

### **9.09 Transfer of prisoners convicted by court martial overseas or in India on reciprocal basis:**

Every ex-military prisoner convicted by a court martial overseas, or in India, and confined any prison, other than a prison in his State of origin, may be transferred to a prison in his State of origin. The Superintendent of Jail, where the prisoner is confined, shall immediately after his admission, send the nominal roll and written declaration of the ex-military prisoner in duplicate to the HoPD, who shall, in consultation with the Inspector General of the State of origin of the prisoner, decide that the prisoner shall be transferred and issue orders to this effect. The HoPD shall also entertain requests from prisoners of his territory confined in prisons of other states, and after proper verification by the Superintendent of Police of the district to which the prisoner belongs, inform the respective Inspector General about the prisons to which such prisoner should be transferred.

Explanation: (i) Ex-military prisoners should be transferred immediately to their State of origin irrespective of the unexpired portion of their sentence.

Explanation: (ii) The cost of maintenance of ex-military prisoners shall be borne by the States of their origin from the date they are received in their prisons and the cost of transfer should be borne by the Central Government.

### **9.10 Transfer of prisoners prior to release**

Every habitual prisoner, police registered prisoner, prisoner ordered to pay a fine, a prisoner required to notify residence subsequent to his release, a person ordered to undergo imprisonment in default of furnishing security for maintaining peace or good behaviour, a prisoner with mental health concerns, and a female or young offender, if confined in a distant prison, shall be transferred to the prison nearest to his home, one clear week before the date of the expiry of his substantive sentence.

The prisoners so transferred shall be confined in the outer quarantine block of the receiving prison and released there from. The release list shall, however, be sent by the Superintendent of the transferring prison to the Superintendent of Police of the district in which the prisoner will be released one month prior to his transfer.

This provision is subject to the condition that the prison to which the transfer is ordered is on or near the route which the prisoner would ordinarily take to his home and contains accommodation for his reception.

The provisions of this rule may be relaxed in the case of prisoners willing to receive help from the local Discharged Prisoners' Aid Society on release, and for habitual and police registered prisoners, and for those who are leprosy patients.

### **9.11 Transfer of prisoners belonging to other States**

Prisoners belonging to other States may be transferred on following grounds:

As a general rule police registered criminals, not being natives of the territory in which they are undergoing sentence, shall be removed, without regard to their wishes in the matter at any time if they are sentenced to imprisonment for three months or less, and two months before their release if they are sentenced to imprisonment for more than three months, either to the prison of the district to which they belong or to the prison nearest to their native place, provided that such prison is declared by the Administration concerned as the receiving depot for prisoners removed from the State. A prisoner sentenced to more than three months of imprisonment shall be transferred to a prison in his home district earlier than two months if he is willing, or if there are adequate reasons requiring such transfer. All such cases, as mentioned above, shall ordinarily be intimated by the police to the Jail Superintendent in the form of a Police Registered Slip. When a Police Registered Slip is received, the details to be filled in at the prison shall be completed and the slip attached to the prisoner's warrant and sent with him to any prison to which he may be transferred. At the same time an entry of the letters "P.R.T.", signifying Police Registered Prisoners for Transfer, shall be made in red ink in the Convict Register and Register of Prisoners to be released. The Superintendent shall forward to the HoPD a nominal roll of such prisoner with an application for his transfer one month before the date on which the transfer is to be effected in accordance with the rules. The HoPD is

authorized to order the removal of such prisoner, as required above, and shall pass a formal order sanctioning the transfer in consultation with the Inspector General of the State with the consent of that Administration to which the prisoner is to be removed. On the death or escape of a Police registered prisoner, the Police Registered Form attached to his warrant shall be returned to the Superintendents of Police of his district with an endorsement showing the date of his death or escape. Similarly any prisoner, whose detention in a prison of the State in which he is undergoing sentence, is deemed in expedient; he may be removed with the previous consent to the HoPD and the Administration to which it is proposed to remove him.

Police Registered Prisoners for transfer (or briefly P.R.T. Prisoners) belonging to Nepal and Bhutan shall be transferred to the prisons in India nearest to their native places, at any time not exceeding two months prior to their release. The prisons to which they are to be transferred being decided in consultation with the HoPD of the respective State, and after verification of the facts. In the case of P.R.T. prisoners belong to Bhutan and Nepal, such intimation shall be sent to the Governments of these countries through India's Political Officers or the Indian Embassy, as the case may be.

### **9.12 Transfer during epidemics**

Prisoners shall not be transferred while any epidemic disease is present in either the transferring or the receiving prison. Transfer along a route where an epidemic is prevalent, shall also be avoided as far as possible.

### **9.13 Grounds of re-transfer to be stated**

When a prisoner has been transferred for any special reason by the HoPD, the Superintendent shall, bring to notice the special reason for which the original transfer was made when proposing the re-transfer of such prisoner.

### **9.14 Police to escort prisoners**

Police escort to the prisoners is given on following grounds:

- (i) The responsibility of escorting prisoners' rests with the police. The Jail Superintendent shall endeavour to reduce the calls upon the police as far as possible, by transferring prisoners in batches. Prisoners shall not ordinarily be dispatched so as to reach the prison of destination on any of the recognized holidays for prisons. If such a contingency is likely to arise due to unavoidable circumstances, the Superintendent of the transferring prison shall forward a written request to the Superintendent of the receiving prison. The Superintendent of the receiving prison shall, however, entertain such admission on holidays even in the absence of any such request, but bring the irregularity to the notice of the HoPD.
- (ii) The authorities at the transferring prison shall, as far as possible, avoid sending prisoners of different categories in the same batch. However, if circumstances make this unavoidable, they shall give clear instructions to the officer in charge of the escort to prohibit communication amongst such prisoners.

### **9.15 Application for escort**

When prisoners are to be transferred, the Superintendent shall apply to the Superintendent of Police of the district where the Central Prison is located, sufficiently in advance for the requisite guard, intimating the number of prisoners with their full particulars and category and the date and hour of their intended dispatch and the station they are being transferred to.

### **9.16 Precautionary measures**

Criteria for precautionary measures are as under:

Full details of the following types of prisoners shall always be supplied to the escorting party before they are handed over to the police by the Superintendent of the transferring prison, namely:

- (i) Prisoners with sentence of five years and above.
- (ii) Prisoners whose conduct in prison is bad or who have been found to be dangerous.
- (iii) Prisoners involved in heinous offences.
- (iv) Prisoners sentenced under section 224 (Indian Penal Code 1860), and those who are known to have escaped or have attempted to escape in the past.
- (v) Any other important information.

The District Magistrate, Superintendent of Police and the Jail Superintendent shall be informed in advance when prisoners likely to attract public attention and cause a stir are being transferred.

### **9.17 Provision of Female Warders**

When a female prisoner is transferred, a female Warder/Woman Police Constable shall accompany her. But her presence does not relieve the responsibility of the police for the safe custody of the prisoner in transit.

### **9.18 Intimation of prisoners transferred to be given**

The Superintendent shall furnish to the officer in charge of escort a memorandum showing the number of prisoners being dispatched, their state of health, the route they are to take, and the date of dispatch. He shall also send all these details to the Superintendent of the receiving prison, along with the probable date of their arrival well in advance, and if necessary, by any quick means of communication.

### **9.19 Documents to accompany prisoners**

After verifying all entries including number and date of order directing the transfer, Jail Superintendent shall ensure that following documents are handed over to the officer in charge of the escorting party to be delivered to the superintendent of the receiving prison:

- Original Warrant ;
- A copy of Court judgment, if available ;
- A nominal roll and the history ticket ;
- Remission sheet, if any ;
- Medical file ; and
- A list of private property including cash, jewellery, clothing and other belongings.

### **9.20 Supply of food and clothing on journey**

Every prisoner during transit shall be allowed to wear his private clothing. At the same time subsistence allowance shall be paid to prisoner including remand and under trial at the fixed rate as applicable from time to time.

### **9.21 Duty of the escorting officer**

The officer in charge of escort shall see that prisoners do not communicate with outsiders and have no opportunity of obtaining forbidden articles, including cash, from their friend correlatives while in transit. During the transit period, the prisoner shall not be allowed to handle any cash, jewellery or other private property, except his/her private clothing.

If any breach or neglect of duty on the part of the officer in charge of escort is noticed, the Superintendent of the receiving prison shall send a report to the HoPD/concerned Police authority.

### **9.22 Not to be admitted to Central Prisons en-route**

Prisoners in transit shall not be admitted into Central Prisons. They may however be admitted to a transit yard if such a facility is attached to Central Prisons for the purpose.

Explanation.—In each Central Jail, a transition yard than main Jail shall bear marked for receiving Prisoners (convict) in Transit while on transfer, court hearing, medical treatment or allied reasons.

### **9.23 Custody of females and juveniles**

During transit, female and young offenders shall be separated from adult male prisoners.

### **9.24 Search during transit**

Male prisoners shall be searched by the officer in charge of the escort daily during transit.

### **9.25 Transfer by rail or water**

Prisoners shall ordinarily be transferred by rail where facilities for travel by rail exist. The fares of prisoners and of the guard, if any in charge, shall be included in the railway warrant prepared by the Police Department. The accommodation to be provided shall be of the lowest class.

When prisoners are to be transferred by rail and suitable arrangements with the railway authorities for their safe custody in transit, and for the provision of necessary accommodation shall be made by the escorting party.

### **9.26 Transfer by road**

The police escort party, which is transporting prisoners by road, shall provide necessary conveyance even for a shorter distance. Taking into consideration the safety and security of the prisoners, the police shall chalk out the routes and places of halt, in advance. Any accident on transit should be promptly intimated to the Jail Superintendent from where the prisoner has been moved.

### **9.27 Procedure if prisoner falls sick**

If during such transfer by road, a prisoner becomes so ill as to be unable to continue his/her journey, he/she shall be taken to the nearest hospital, or to any place where there is a public dispensary, for treatment by a Medical Officer. A report of the circumstances shall immediately be made to the Superintendent of the dispatching prison and of the prison to which the prisoner was being moved.

### **9.28 Procedure in case of death of a prisoner in transit**

When a prisoner dies in transit, the officer in charge of the escort shall at once report the circumstances to the nearest police station, which in turn will inform the Judicial Magistrate. The Executive Magistrate shall enquire into the case and submit his/her report directly to the HoPD and shall arrange for the disposal of the dead body. The officer in charge of the escort shall also intimate the death of a prisoner to the Jail Superintendent to which the prisoner was being transferred, and the Superintendent of the transferring prison immediately. The latter shall inform the deceased prisoner's relatives, the administration and the National Human Rights Commission, of the death of the prisoner.

### **9.29 Procedure if prisoner escapes**

If, during transit, a prisoner escapes, intimation shall at once be given by the officer in charge of the escort of the nearest police station to enable them to take steps for recapture of the prisoner. The Superintendent of the Jail to which the convict was being taken and of the transferring prison, shall also be informed of the escape, and the latter shall take the prescribed measures for the prisoner's re-apprehension. On recapture such a prisoner shall be sent to the prison from where he was originally being transferred.

### **9.30 Admission of transferred prisoners**

On arrival at the receiving prison, the usual procedure for the admission of prisoners shall be followed. The Superintendent shall satisfy himself that the correct number of prisoners has been received and that they have been properly fed and cared for during transit.

### **9.31 Verification of lists accompanying prisoners**

When the authorized prison officer of the receiving prison has satisfied himself that the prisoner's documents and property have been correctly received, he shall countersign the memorandum and the triplicate copy of the list of property and shall return them, together with any clothing and item issued at government cost, to the transferring prison.

### **9.32 Facilities in the matter of letter writing**

Special facilities for writing letters to family, before and after transfer, may be extended to prisoners at the discretion of the Jail Superintendent. Stationery for the same shall be provided by the prison authorities.

Explanation.— A detained or imprisoned person shall be entitled to notify members of his /her family or other appropriate person of choice regarding each transfer from one prison to another or Jail Superintendent may himself notify to such members on behalf of prisoner through letter or telephone. In case of foreigner such transfer of prisoners be communicated to the consular post or embassy of the country promptly by appropriate means.

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## CHAPTER X

### EXECUTION OF SENTENCES

#### 10.01 Method of calculating a sentence

The duration of a sentence shall be calculated in calendar years, months, a fortnight, a week or days. The term 'year' means a year according to the British calendar, a 'month' means thirty days, a 'fortnight' means fourteen days and a 'week' means seven days.

When a prisoner's sentence includes a fraction of a month, the date of release shall be calculated by reducing such fraction to days. A month, for this purpose, shall consist of thirty days. For example, if a prisoner is sentenced to one and half months' imprisonment on 2<sup>nd</sup> February. The date of his release shall be 16<sup>th</sup> March.

#### 10.02 Serving of sentences

In whatever order the sentences are served, a prisoner is liable to serve the aggregate of the terms of all the sentences, provided that under no circumstances shall a prisoner be detained in prison beyond the period indicated by the terms of the warrant of commitment.

In case of doubt, as to the order in which the sentences shall take effect, instructions shall be taken from the court imposing the last sentence.

Note.— For calculation of sentences for the purpose of eligibility for leave, "sentence" shall mean a sentence as finally fixed on appeal or revision or otherwise and includes an aggregate of more sentences than one. Sentences in default of fine shall not be taken in to consideration while fixing eligibility for being released on leave.

#### 10.03 Commencement of, and breaks in, imprisonment how reckoned

In calculating the date of expiry of a sentence of imprisonment in a criminal case, the day on which the sentence was passed and the day of release shall both be included as days of imprisonment. A prisoner who is punished till the rising of the court only, shall be released from the court itself and not admitted to prison. In the case of a prisoner who is punished till the rising of the court and is awarded another sentence on the same day, the latter sentence shall start from the date on which the sentence is awarded. If a prisoner is sentenced to imprisonment for 24 hours, he must be kept in prison for the exact number of hours. In such cases, the sentence shall be deemed to commence from the hour indicated in the warrant. Prisoners sentenced to one day's imprisonment shall be admitted in prison and released on the same day.

Example 1:—A prisoner sentenced on 1<sup>st</sup> January to one month's imprisonment shall be released on 31<sup>st</sup> January and not on 1<sup>st</sup> February.

Example 2:—A prisoner sentenced on 28<sup>th</sup> February to one month's imprisonment shall be released on 27<sup>th</sup> March. Illustration: A prisoner sentenced on 1<sup>st</sup> January to one day's imprisonment shall be released on the same day. But if he is sentenced to imprisonment for 24 hours he shall be kept in confinement for that period and not released before the hours are up on 2<sup>nd</sup> January.

The period of imprisonment to be undergone shall be reckoned from the date on which the sentence is passed, excepting cases which fall under sections 31, 426 and 427 of the Code of Criminal Procedure, 1973 where the directions of the Court shall be followed.

Explanation.—In the case of a prisoner sentenced to imprisonment in default of fine, the period of imprisonment shall be reckoned from the day on which he was rearrested for failing to pay the fine imposed.



If the month in which the sentence of a prisoner expires has no date corresponding to the date of sentence, the last day of the said month shall be taken as the day of expiry of sentence. The same principle shall apply when the sentence is reduced due to reduction in sentence or payment of fine or grant of remission.

#### **10.04 Date of release when two or more sentences run consecutively**

When a prisoner is sentenced to two or more periods of imprisonment to be served consecutively, the date of release shall be calculated considering both terms as one.

Example 1:—A prisoner sentenced on 21<sup>st</sup> November, 2000 to two substantive terms of imprisonment of one year each shall be released on 20<sup>th</sup> and not on 19<sup>th</sup> November 2002.

Example 2:—A prisoner is sentenced on 1<sup>st</sup> January to two months imprisonment and a fine of Rs. 200 or, in default, to one month's imprisonment. If the fine is not paid, he shall be released on 31<sup>st</sup> March, but if the fine is paid, then on the last day of February.

#### **10.05 Date of release in the case of prisoners sentenced to imprisonment for life**

The imprisonment for life technically means imprisonment for the whole life. The sentence of all prisoners sentenced to imprisonment for life or to more than twenty years imprisonment in the aggregate, shall, for administrative purposes of calculation of the normal date of release, be deemed to be sentences of imprisonment for twenty years.

If a sentence of death is commuted to one of imprisonment for life, or imprisonment for a term, the sentence of imprisonment for life or imprisonment for a term shall be deemed to commence from the date on which the sentence of death was passed.

#### **10.06 Unexpired Sentence of an escaped convict**

In the case of an escaped prisoner, subsequently arrested in connection with another offence, any period spent on that account in police custody, or as an under trial prisoner, shall not be reckoned as imprisonment under the original sentence.

Necessary entries shall be made in the Register of Prisoners to be released in place of the original date of release in respect of all such prisoners.

#### **10.07 Date of release of prisoners sentenced for escape**

If a prisoner receives a sentence for escape from prison the date of release shall be re-calculated in accordance with Section 426 of the Code of Criminal Procedure, 1973 and entered in the Register of Prisoners to be released in place of the original date of release.

#### **10.08 Periods that will not count towards sentence**

In the following cases, the period spent by prisoners outside the prison, known as at large period, shall not count towards sentence:

- (i) Escape.
- (ii) Bail.
- (iii) Suspended period of sentence, including emergency leave.
- (iv) Un authorized extension of temporary release.
- (v) Suspended period of sentence if directed by the court.
- (vi) Suspension of sentence for police investigation.
- (vii) Violation of conditional release.
- (viii) Extradition.

A prisoner released on bail in court on the day he is sentenced without having been sent to prison, shall not be deemed to have served any part of his sentence.

Convicted prisoners removed from a prison in one State to a prison in another State under the provisions of the Transfer of Prisoners Act, 1950 (Central Act XXIX of 1950) shall be deemed to be undergoing their original sentence in the prison where they have been transferred.

When a conditionally released prisoner is readmitted in prison owing to an infringement of the terms on which he was released, the unexpired portion of his sentence shall be carried out without waiting for the receipt of the government orders, which shall be applied for through the HoPD immediately on admission of such prisoner. In such cases, the unexpired portion of sentence shall be deemed to have commenced from the date of the prisoner's readmission in prison.

In the case of a prisoner released on bail on a day subsequent to that on which he/she was committed to prison, but who is again committed to undergo sentence in the same case, every day of admission and every day of release shall be counted as days of imprisonment in respect of such sentence.

In cases where there are more than one "at large" periods, the aggregate total of all such periods shall be worked out in terms of days and added to the substantive sentence. The date on which the sum of these periods elapses, counting from the date of conviction, shall be the date of expiry of sentence.

In the case of a convict who has to attend the court on the very day of his/her release, for a case for which he is not on bail, he shall be treated as released in the morning and sent to court as an under-trial prisoner. If the prisoner is sentenced to further imprisonment, on that very date, the sentence shall be calculated from the following day.

#### **10.09 When a foreigner is sentenced to a term of imprisonment**

If a foreigner, apprehended and detained under Section 4 of Foreigners Act, 1946 (Central Act 31 of 1946), has to undergo a term of imprisonment, the period of detention under the Foreigners' Act shall be exclusive of and additional to the period of any sentence of imprisonment which may be imposed upon him

#### **10.10 Calculations of date of release on re-arrest and recapture of a prisoner**

The following method shall be adopted in calculating the date of release of a prisoner who, after conviction, is released on bail but is afterwards recommitted to prison to serve his sentence, or who escapes and is subsequently recaptured:

Add the number of days for which the prisoner was on bail, or was at large, to the term of the sentence, exclusive of the day of release and re-arrest, or of escape and re-capture. The date on which the sum of these periods will elapse, counting from the date of conviction, shall be the date of expiry of sentence.

Example:-A prisoner sentenced on 1<sup>st</sup> January to one month's imprisonment escapes on 15<sup>th</sup> January and is recaptured on the 16<sup>th</sup>. He shall be entitled on the original warrant to be released on the 31<sup>st</sup> January.

If a convicted prisoner, who has been released on bail, commits an offence during his bail period and is readmitted to the prison, the at large period shall be counted up to his date of readmission.

#### **10.11 Calculation of sentence of imprisonment in default of payment of fine**

Sentences awarded in default of payment of fine shall be calculated as follows:

- (i) Sentences imposed in default of payment of fines cannot run concurrently.

- (ii) If a prisoner sentenced to imprisonment in default of payment of fine receives another sentence while undergoing such imprisonment, the second sentence shall begin from the date on which the first sentence expires or if the fine is paid, from the date of payment.

Example:- A prisoner is sentenced on 31st January to pay a fine of Rs.300 or in default to two months' rigorous imprisonment and on 12 February of the same year he is sentenced on another account to an additional imprisonment for four months. The fine is paid in full on 28th February. The sentence of four months of imprisonment shall begin from 28<sup>th</sup> February and not from 31<sup>st</sup> January.

- (iii) If a prisoner, sentenced to a term of imprisonment in default of payment of fine is also, either at the same time or subsequently, sentenced to another term or terms of imprisonment, the initial sentence shall be kept in abeyance till the expiration of all the absolute sentences of imprisonment. It shall be annulled wholly or partially by the payment of the fine in whole or in part, before the expiry of that period or so long as imprisonment continues.

Explanation.—This rule covers the case of a prisoner whose first sentence of imprisonment is only in default of payment of fine. The substantive sentences of imprisonment, subsequently imposed, shall count from the date of the first sentence and the imprisonment in default of payment of fine shall take effect last, although a portion of it may have been already served when the substantive sentence were awarded, unless the imprisonment is of a different denomination to that of the substantive sentences. In such a case the imprisonment in default of payment of fine shall be completed before the substantive sentences take effect.

- (iv) The imprisonment, which is imposed in default of payment of a fine, shall terminate whenever that fine is either paid or levied by the process of law.
- (v) If a prisoner is sentenced to imprisonment, of which the whole or any portion thereof is in default of the payment of any fine, and if the fine or a portion of it is not immediately paid, the dates of release shall be calculated and entered on the prisoner's warrant and History Ticket and in the Registers so as to correspond both with payment and with non payment of fine.
- (vi) If a prisoner, who is sentenced to a fine and in default to imprisonment, pays a portion of the fine, the date of release shall be proportionally altered. If the imprisonment in default of payment of fine is expressed in calendar months, reduction of imprisonment to be made in consequence of such payment shall be calculated in calendar months and not in days. Any fraction of a month obtained by such calculation shall be reduced to days. When the fraction thus obtained is not exactly equal to any number of days or is less than a single day, the portion of a day which results shall be considered and treated as being equal to a full day.

Example:-A prisoner is sentenced on 1st January to a fine of Rs. 300 or in default to six months' imprisonment. No part of the fine is realized except a sum of 75 paise. He shall be released on 29<sup>th</sup> June, even though the amount realized is less than the full amount due for a single day.

- (vii) When a prisoner is sentenced to fine and the fine is paid in installments, the period of sentence to be remitted shall not be calculated on the individual payments but on the aggregate of the several previous payments.

Example:- If a prisoner is sentenced on 1st January to six months' imprisonment and to a fine of Rs. 300 and it is ordered that if the fine is not paid he shall be imprisoned for a further period of six months, then if the prisoner immediately on conviction pays Rs.100 the date of release shall be first fixed at 31st October (six months plus four months as equivalent of the fine unpaid), or if he afterwards pays another Rs.100 the date will be changed to 31<sup>st</sup> August and on his paying the entire amount of the fine, to 30<sup>th</sup> June.

- (viii) If a prisoner who is sentenced to a fine and in default imprisonment for a certain number of years, months and days, pays a part of the fine, the remission for the payment shall be

calculated in year and months and not in days, and any fraction of a month, obtained by such calculation shall be reduced to days. When the fraction thus obtained is not exactly equal to any number of days, or is less than a single day, the portion of a day which results shall be considered and treated as being equal to a full day, in favor of the prisoner.

#### **10.12 Payment of fines to prison**

If a fine or its portion, imposed on a prisoner as a sentence or part of a sentence by a magistrate, is tendered at the prison it shall be received by the concerned officers during office working hours, except on Sundays and prison holidays, provided the prisoner is due for immediate release. The Superintendent shall at once remit the sum received to the court or treasury and send intimation of the payment to the adjudicating court.

#### **10.13 Liability of prisoner to payment**

If an offender, who has undergone the full term of imprisonment to which he was sentenced in default of payment of fine, is still liable to have the fine levied by distress and sale, the Jail Superintendent shall accept the whole fine, if tendered, even though a part of the alternative imprisonment has been undergone.

#### **10.14 Intimation of payment of fine**

When fines imposed on prisoners are recovered by a court, intimation of the same will be received by the Superintendent from the Court. If the convict has been transferred elsewhere, the Superintendent shall forward such intimation by registered post to the prison in which the convict is confined. All fine intimations shall be acknowledged.

No action shall be taken on fine intimations which do not bear the seal of the court. Such intimation shall be returned to the court for proper authentication and affixing seal of the court. Telegrams shall not be accepted as intimations of recovery of fine. When intimation of payment of fine by a prisoner is received from a Police Officer, it shall be returned to that officer with a request that it may be forwarded through the court awarding the sentence.

#### **10.15 Prisoners to be informed**

When the fine has been paid, the prisoner concerned shall be informed and the payment shall be duly noted in the register, on the warrant and on the prisoner's History Ticket. The entries in the register and the warrants and History Tickets shall be signed by the Superintendent and the Dy. Superintendent. A separate Inward Register for the receipt of the fine intimation shall be maintained.

#### **10.16 Imprisonment in default of giving security plus a substantive sentence**

When a person, in respect of whom an order requiring him to furnish security is made under section 106 or 117 of the Code of Criminal Procedure 1973, is at the time of such order is sentenced to or is undergoing a sentence of imprisonment, the period for which such security is required shall commence on the expiry of such sentence. In other cases such period shall commence on the date of such order being passed, unless the Magistrate, for sufficient reasons, fixes a later date. If such a person fails to give security on or before the date of expiry of his substantive sentence, he shall be detained in prison until the expiry of the period for which security is required to be furnished, or until the requisite security is furnished. It is not necessary in such cases that a formal warrant shall be issued by the Magistrate for the detention of such person in the prison after the expiry of the substantive sentence.

#### **Illustration**

A prisoner, while undergoing three months imprisonment, is ordered by a competent Court to execute a bond under section 106 of the code of Criminal Procedure, 1973 for keeping peace for a term of six months and execute a bond in a sum of Rs.25 with one surety for a like amount, fails to give security on or before the date on which the three months substantive imprisonment expires, he/she shall be detained in prison until he furnishes the required security, or until the term for which such security is to be given is completed, but no formal warrant is necessary for such detention.

If a person while undergoing imprisonment under an order under section 122 of the Code of Criminal Procedure, 1973 in default of furnishing security, is convicted of an offence committed prior to the making of such order, and is sentenced to undergo imprisonment, such sentence shall commence from the date on which it was passed; and if such sentence expires before the period for which the person is undergoing imprisonment in default of giving security, he shall be detained for the remainder of such period. If, however, a person while undergoing imprisonment in default of furnishing security is convicted of an offence committed after issue of the order under section 122 of the Code of Criminal Procedure 1973, and is sentenced to imprisonment, such sentence shall commence at the expiration of imprisonment for failure to furnish security, unless the Court directs that such Sentence shall run concurrently with the imprisonment for failure to furnish security.

Sentences awarded under section 52 of the Prisons Act, 1894 shall commence on the expiry of imprisonment in default of furnishing security or from the date of receipt in the prison of intimation that the security has been furnished.

Where a prisoner, who is already undergoing substantive sentence of imprisonment, has been ordered to undergo a further sentence in default of furnishing security for keeping peace or good behaviour under Chapter VIII of the Code of Criminal Procedure, 1973 the order shall be brought to the notice of the sessions Judge to whom such Judicial Magistrate is subordinate.

The period mentioned in section 122(2) of Code of Criminal Procedure, 1973 shall be counted from the date of the order of the Sessions Judge or High Court, unless the latter specifically directs in the warrant that it is to be counted from some other date. In such a case, the direction of the superior court shall be complied with.

Detention for failure to give security is not a substantive sentence of imprisonment within the meaning of section 427 of Code of Criminal Procedure Code, 1973.

#### **10.17 Procedure when sentence is suspended**

When an Appellate Court directs that the execution of a sentence, or order appealed against, be suspended, the appellant shall, if detained in prison pending further orders of such Courts, be treated in all respects as an under-trial prisoner.

Should the appellant be ultimately sentenced to imprisonment or imprisonment for life, the period during which the original sentence was suspended shall-

- a. If passed while the prisoner in prison, be included; and
- b. If passed when the prisoner was at large be excluded, in computing the term for which he is sentenced by the Appellate Court.

#### **10.18 When retrial is ordered**

When court passes a sentence after are trial, or after original sentence is reversed and retrial (fresh trial) is ordered on appeal, the previous sentence, or portion thereof, already undergone by the prisoner before the fresh trial, shall also count, unless otherwise specifically directed, towards the sentence imposed after the fresh trial, excluding any period during which the prisoner was at large. If a convicted prisoner is to be handed over to police for the purpose of investigation, Administration orders suspending his sentence are necessary.

#### **10.19 Procedure when a sentence is modified or reversed on appeal**

When a sentence on a prisoner is reversed or modified on appeal by a court, other than the High Court, a fresh warrant will be issued by the Appellate Court to the officer in charge of the prison and such order will also be communicated to the lower court. Provided that when the Appellate Court orders the retrial, or committal for trial, of a prisoner under section 386 of the Code of Criminal Procedure, 1973 it shall communicate its order to the Court whose decision has been reversed and that court shall thereupon make such orders as are conformable to the judgment of the appellate Court. When a case is decided on appeal or revision by the High Court, the Court or

Magistrate to which the High Court certifies its order will proceed, under the provisions of section 388 or 405 of the Code of Criminal Procedure, 1973 to issue, when necessary, fresh warrant or order to the prison officer. In all cases in which a sentence or order is modified or reversed, whether in appeal or revision, a separate warrant shall be issued as regards each prisoner whose sentence has been so modified or reversed.

#### **10.20 Procedure when a sentence is confirmed**

When an appeal is rejected, or a sentence is confirmed by an Appellate Court other than the High Court, intimation to that effect will be sent to the Officer in charge of the prison by such Appellate Court and such order will also be communicated to the lower court for record. When the rejection by the High Court of an appeal or revision application from a prisoner is communicated to the court by which such prisoner was convicted, such court shall at once to cause the intimation of such decision to be given to the prisoner. In cases referred by the Court of Sessions for the confirmation of a sentence of death by the High Court, the High Court will send a copy of its order to the Court of sessions which will then issue warrants to the Officer in charge of the prison.

#### **10.21 Prisoner shall be informed of the result of his appeal or application**

In all cases the Jail Superintendent shall acknowledge by a letter the receipt of any warrant or order or intimation, and shall also inform the prisoner of the result of his appeal or application.

#### **10.22 Calculation of sentence modified on appeal**

When an Appellate Court simply modifies a sentence passed by a lower court without change of section, or when an appellate court passes a new sentence by changing the conviction section or the punishment section or otherwise, the sentence finally passed shall count, unless otherwise specially directed, from the first day of imprisonment under the original sentence.

#### **10.23 Effect of annulling the first of two sentences**

When a prisoner has been committed to prison at one trial under two separate warrants, and the sentence in one warrant is to take effect from the expiry of the sentence in the other warrant, the date of the second sentence shall, in the event of the first sentence being set aside in appeal, be presumed to take effect from the date on which he was committed to prison under the first or original sentence;

When separate sentences have been passed in separate trial and the sentences run consecutively under section 427 of the Code of Criminal Procedure, 1973, the operation of the second sentence will, in the event of the first sentence being set aside on appeal, shall commence from the date of conviction in the second case.

Illustration:-A prisoner is sentenced on 1<sup>st</sup>July to two periods of six months' imprisonment for two offences. On appeal the first sentence is quashed on 31<sup>st</sup>August the prisoner will be entitled to be released on 31<sup>st</sup>December.

Illustration :-A prisoner is sentenced on 1<sup>st</sup> July to six months imprisonment and on 1<sup>st</sup>August to another period of six months imprisonment. On appeal the first sentence is quashed on 31<sup>st</sup>August. The prisoner will be entitled to release on 31<sup>st</sup>January.

If however an appeal is also filed in the second case, it will be within the powers of the court hearing the second appeal to direct that credit shall be given for such period as is covered between the date of the second conviction and the date on which the first appeal was accepted.

No credit, however, shall be given in the second case for any period passed in prison under the first sentence prior to the date of the conviction in the second case by the court of original jurisdiction.

#### **10.24 When an Appellate Court annuls a sentence and orders retrial**

When an Appellate Court annuls a sentence and directs that the prisoner be retried, and a warrant for the prisoner's release on bail is not received, the prisoner shall be remanded to the under-trial yard (unless he be undergoing some other sentence), and the Superintendent shall apply to the committing court for warrant for his custody pending trial if such warrant is not at the same time furnished. Such warrant should set forth by the Court by which the prisoner is to be tried and the date on which he is to be produced before the Court.

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## **CHAPTER XI**

### **PRISONERS SENTENCED TO DEATH**

#### **11.01 Chapter Definitions**

For the purposes of this chapter

- i) “Prisoner” means a prisoner who is sentenced to death.
- ii) “Relative” in relation to a prisoner means spouse, children, grandchildren, parents, grand-parents, parent’s brother or sisters, parents-in-law, grandparents-in-law, brothers or sisters of spouse, children of brothers or sisters and children of brothers or sisters of the spouse.

#### **11.02 Search of prisoners sentenced to death on admission**

On admission of a convict in a prison the Superintendent shall report the admission to the Administration. The Superintendent shall also report to the Administration the date fixed for his execution by the Court of Session on confirmation of the sentence of death by the High Court, and solicit orders of the Administration regarding stay of his execution.

On admission a convict shall be thoroughly searched by the Deputy Superintendent or by order of the Deputy Superintendent as provided in Section 30 of the Prisons Act. A female convict shall be searched by a female Deputy Superintendent/ Assistant Superintendent or under her orders, by a Female Warder. In the absence of a female Officer or female Head Warder, such search may be made by any other suitable female or by a Female Guard as ordered by the Deputy Superintendent.

Subject to the provisions of Section 30 of the Act, all private property shall be removed from the convict.

#### **11.03 Issue of Articles on Admission**

The Deputy Superintendent shall ensure that the following articles are issued to a convict; on his admission to a prison: -

- I. A pant without cord.
- II. Two wool blankets or two cotton wool blankets, one for spreading and another for coverage; or according to climate requirement.
- III. A pot, plate and a mug of thin light aluminium.
- IV. A thin Kasti may be issued to a Parsee convict.  
Two cotton sarees/ salwar kameez and bodices may be issued to female convicts. However, if it is considered unsafe to issue sarees to any such convicts; pyjamas without cord and a Kurta may be issued to her.

A sheet in Appendix -8 shall be maintained by the Superintendent for every convict.

#### **11.04 Confinement in special barrack**

Every convict shall from the date of his admission to a prison, be confined in a cell or a special barrack, as required by section 30 of the Prisons Act. The barrack in which a convict is confined shall before he is placed in it, be always examined by the Deputy Superintendent who shall satisfy himself about its fitness and safety. However, such convict cannot be restrained from moving within the premises of the block/barrack.

It is further clarified that a convict under sentence of death is one who has exhausted all the remedies for setting aside the punishment.

#### **11.05 Cell/Barrack to be examined**



Every cell or barrack in which a convict under sentence of death is to be confined, shall, before such convict is lodged in it, be examined by the Deputy Superintendent, or by an officer appointed in that behalf, who shall satisfy himself that it is secure and contains no article of any kind which the prisoner could, by any possibility, use as a weapon of offence or as an instrument with which to commit suicide, or which is, in the opinion of that officer, it is inexpedient to be permitted to remain in such cell. When there are two or more condemned prisoners confined in a prison at the same time, in cells situated at some distance from one another, a separate guard shall be posted for each cell. However, if the cells are contiguous one Warder shall be posted to guard a maximum of four such prisoners. For any number of cells in excess of four, an extra guard shall be posted even when the cells are contiguous. With two rows of cells facing and within a reasonable distance of each other, one Sentry may be given charge of up to four cells on one side and four on the other. When two or more cells are occupied, the Sentry shall walk up and down past them, so that each prisoner guarded by him comes into his view at short intervals. The Sentry guarding these cells shall be relieved every three hours.

### **11.06 Guarding**

Every prisoner sentenced to death shall be under observation of the guarding staff on a twenty-four-hour basis. Convict officers shall not be employed on this duty. A guard shall in no case be given more than three hours duty at a stretch. Every guard shall be equipped with a regulation baton and shall be so posted that the convict shall be under continuous watch. He should not be armed with a firearm, bayonet or any sharp weapon. The Sentry shall be posted in front of the grated door of the cell. The key of the cell lock shall be kept with the Sentry/prison guard on duty so as to be immediately available in case of emergency. The lock must be such which cannot be opened by any other key in use in the prison. The Sentry/Woman prison guard shall be so posted that the prisoner sentenced to death is under continuous watch. A prisoner sentenced to death shall not be taken out of his cell unless the requisite numbers of guards are present.

If the guard on duty notices a prisoner attempting to commit suicide, he shall raise alarm for help and enter the cell. The special guard in whose charge prisoners sentenced to death is put shall allow no one to approach the cell or communicate with the prisoners in any manner except the Jail Superintendent and any other officer authorized by the Superintendent in that behalf.

A prisoner under sentence of death shall not be handcuffed or placed in any form of restraint unless he is so violent as to be dangerous to the guard or to himself. If it is deemed necessary to put on handcuffs, the reason for such action shall be reported to the Head of Prisons Department.

### **11.07 Observation**

The prison officer in charge shall carefully observe the behaviour of prisoner's sentenced to death with special focus on his mental status. The notes of psychological observation kept by the Deputy Superintendent shall be checked daily by the Superintendent who should ensure that the data required for the compilation of the notes is collected by the Deputy Superintendent in an intelligent manner and that the same have a factual base.

Two copies of the case history of the prisoner and the notes shall be sent by the Superintendent to the HoPD immediately after the final disposal of the case. Medical Officer shall pay daily visit to the Prisoner and update medical status note along with Psychiatrist.

A copy of the case history and psychological notes shall be sent by the HoPD to Administration immediately on receipt together with his own remarks thereon if any. Such record may prove useful for psychological study and research purposes.

### **11.08 Search**

Prisoner under sentence of death shall be thoroughly searched in the presence of the Deputy Superintendent in charge: -

- i) Immediately on opening of the cell in the morning when guards on duty are changed and before lockup;

- ii) Every time he is taken out of or is returned to his cell.

A record register be maintained in the barrack for this purpose.

#### **11.09 Restriction on removal**

Prisoners sentenced to death shall not be removed to the prison hospital for treatment without the Intimation to HoPD :

Provided that the Superintendent may, however, order the removal of a prisoner to the prison hospital, in anticipation of sanction, if the Medical Officer of the prison certifies that the prisoner is in danger of dying and requires immediate treatment in the prison hospital. If a prisoner, who is sentenced to death, is removed to a prison hospital, he shall be segregated from all other prisoners in the hospital in a separate room designated for this purpose and a special guard should be posted according to requirements.

#### **11.10 Special Treatment**

A prisoner sentenced to death shall not be put in fetters or handcuffed unless he is so violent as to be dangerous to the guard or to himself. If it is deemed necessary to put on fetters or handcuffs, the reasons for such action shall be reported to the HoPD.

The Superintendent is authorized to issue suitable diet to prisoners sentenced to death after consultation with the Medical Officer.

A prisoner may, on their commendation of the Sr. Medical Officer, be allowed exercise in open air and within the prison walls, morning and evening, under the care of the guard.

#### **11.11 Interviews**

The Superintendent may permit prisoners under sentence of death to have interviews with their relatives, friends or legal advisors, once a week, or more often when the Superintendent is of the opinion that such interviews may be granted for good reason.

The Dy. Superintendent/Assistant Superintendent shall before grant interviews, ensure that all precautionary and security measures are taken before hand.

The prisoner shall be brought from the cell to the interview room under proper escort at the time of interview and the interviewers and the prisoner shall be separated by expanded metal barriers.

A religious priest or a faith-based head (of the religion/ faith to which a prisoner belongs) may be summoned once a week at the cost of Administration if the prisoner so desires. The Superintendent may permit a religious Preacher to be summoned more often for adequate reasons to be recorded in the History Ticket of the convict.

#### **11.12 Facilities**

A prisoner sentenced to death may be allowed the following facilities with the approval of the Jail Superintendent: -

- a. Religious books;
- b. Religious pictures;
- c. Rosary and essential religious emblems subject to security requirements;
- d. Newspapers and books;

The Superintendent is authorized to incur an actual expenditure up to an amounting a deserving case for the purpose of giving reasonable solace to the prisoner, for instances curing the presence of his near relatives before his execution.

The HoPD may allow further expenditure on a prisoner sentenced to death in urgent, compassionate and deserving cases.

### **11.13 Observation**

A case history in Appendix - 9 shall be compiled in respect of each convict by the Social Welfare Officer.

### **11.14 Insanity**

If any prisoner awaiting sentence of death shows signs of mental illness which, in the opinion of the Medical Officer, are not feigned, or which require observation to determine whether they are feigned or not, the circumstance shall at once be reported to Administration through the HoPD for orders along with the following documents: -

- a. The Nominal Roll of the prisoner;
- b. A copy of the warrant under which he is confined (induplicate);
- c. The Medical Officer's certificate in the prescribed form; and
- d. The medical history sheet (induplicate).

Note. —A copy of the judgment should also be sent as soon as possible.

If Administration orders the appointment of a Special Medical Board, for the purpose of examining the mental condition of a convict sentenced to death, he shall be kept under observation in the prison by the psychiatrist in charge of the nearest psychiatric or similar institution or the Civil Surgeon for a period of ten days or longer if considered necessary prior to an examination by the Medical Board.

The Superintendent and the Sr. Medical Officer of the prison, in which the convict may be confined, shall give all facilities to the psychiatrist or the Civil Surgeon for a physical examination of the convict including serological tests and for observation of the convict without his knowledge.

As soon as possible, after the Medical Board is appointed and the convict is placed under observation, the Jail Superintendent shall collect information about the convict through the police or other sources and place it at the disposal of the psychiatrist or Civil Surgeon.

Where Administration orders appointment of Special Medical Board for examining the mental condition of a convict under sentence of death under any relevant state rules, the Superintendent shall obtain the history of such convict from institutions or individuals with whom he has had contacts. The psychiatrist under whose observation the convict is kept pending examination by the Special Medical Board, shall furnish the Superintendent with a questionnaire for collecting the information. Factual material concerning the mental condition of the convict shall be obtained either from records or from eye-witnesses including the officer who arrested him. For the purpose of an estimation of the convict's state of mind just prior to, at the time of and soon after the commission of the offence, reports shall be obtained from eye-witnesses including relatives of the convict.

Note. — Evidence regarding the behaviour of the prisoner at the time of the trial and especially during examination in court will be available from the proceedings of the court including the evidence and the summing up and judgment. Reports on the convict shall be obtained from individuals who have been in contact with him during his remand and subsequent detention in the prison. While collecting this information, utmost care shall be taken to see that the object with in which it is collected is not divulged. It should also be remembered that the relatives of the convict are likely to be specially interested and the information supplied by them shall be used with the greatest care.

As soon as the Medical Specialist or Civil Surgeon is ready with his report, he shall request the Principal Medical College Hospital/Medical Superintendent of the Hospital to fix a date for the meeting of the Special Medical Board.

The Medical Specialist or Civil Surgeon shall place all the records before the Medical Board. The President/Chairman of the Board shall forward the proceedings of the Medical Board together with their own opinion to the Secretary, Home Department, through the Head of Prisons Department.

### **11.15 Pregnancy**

Where a female convict is certified by the Sr. Medical Officer to be pregnant, the Sr. Medical Officer shall inform the Superintendent of the same, and the Superintendent shall make a note to that effect on the warrant, and return the warrant to the Sessions Judge for endorsing thereon an order for the suspension of the execution of the sentence, until the orders of the High Court have been taken under the Code of Criminal Procedure.

When a woman prisoner sentenced to death declares herself to be pregnant, and the Sr. Medical Officer is unable to certify the truth or otherwise of the statement, immediately, he shall state the interval of time necessary to enable him to satisfy himself on the point. The Superintendent shall immediately report the case to the Administration through the HoPD for postponing the date of the execution. If the Sr. Medical Officer confirms the fact of pregnancy, the provisions of paragraph shall apply.

When execution of a capital sentence on a woman prisoner has been suspended under either of the situations mentioned above, the sentence shall not afterwards be executed without the express order of the Administration for which the Superintendent shall apply immediately through the HoPD.

### **11.16 Appeal facilities**

Immediately on receipt of a warrant of execution from the convicting court, consequent of the confirmation by the High Court of the sentence of death, the Superintendent shall inform the convict that if he wishes to appeal to the Supreme Court or to make an application for special leave to appeal to the Supreme Court under any of the relevant provisions of the Constitution of India (hereinafter referred to as "appeal and application" respectively), he may do so within the period prescribed by the Supreme Court Rules.

If the prisoner under sentence of death so desires, the Deputy Superintendent enter the law officer as the case may be, shall at once get his appeal prepared for him as far as possible in his own word send it shall before ward either under registered cover or hand delivered by a prison official to the Registrar of the appropriate court under intimation to the Administration and the HoPD.

Whenever a sentence of death has been passed by any Court or Tribunal, the sentence shall not be executed until after the dismissal of the appeal or of the application or, in case no such appeal has been preferred, or no such application has been made, until after the expiry of the period allowed for an appeal or for making of such application:

Provided that, if a petition for mercy has been submitted by or on behalf of a convict, the execution of the sentence shall further be postponed, pending the orders of the President thereon:

Provided further that, if the sentence of death has been passed on more than one person. in the same case, and if an appeal or an application is made by or on behalf of only one or more but not all of them, the execution of the sentence shall be postponed in the case of all such persons (convicts) and not only in the case of the person or persons by whom, or on whose behalf, the appeal or the application is made.

Note-The assistance of Legal Service Authority may be sought in case of preparing/filing of the Appeal.

### **11.17 Petition for mercy - Role of prison authority.**

Immediately on receipt of intimation of the confirmation by the High Court of a sentence of death of a prisoner or of the dismissal by the Supreme Court of the appeal or the application for special leave to appeal to it lodged by or on behalf for on the convict, in case the convict concerned has made no previous petition for mercy, the Jail Superintendent shall forthwith inform him (the convict) that if he desire to submit a petition for mercy it should be submitted in writing within seven days of the date of such intimation.

A convict under sentence of death shall be allowed, if he has not already submitted a petition for mercy, for the preparation and submission of a petition for mercy, seven days after, and exclusive of, the date on which the Superintendent of Jail informs him of the dismissal by the Supreme Court of his appeal or of his application for special leave to appeal to the Supreme Court.

Note- In cases where no appeal to the Supreme Court or no application for special leave to it, has been lodged by or on behalf of the convict, the said period of seven days shall be counted from the date next after the date on which the time allowed for an appeal to the Supreme Court or for lodging an application for special leave to appeal to it, expires. On expiry of such time, if the convict has made no previous petition for mercy, it shall be the duty of the Jail Superintendent to inform the convict concerned that if he desires to submit a petition for mercy, he should do so in writing within seven days of the date of such intimation.

If the convict submits a petition within the period of seven days, it should be addressed to the President of India through the administration of UT Ladakh. The Superintendent of the Jail shall forthwith dispatch it to the Secretary to the Administration in the Home Department, together with a covering letter reporting the date fixed for the execution and shall certify that the execution has been stayed pending receipt to the orders of the Administration on the petition. If no reply is received within 15 days from the date of the dispatch of the petition, the Superintendent shall by express letter (fax/email/special messenger) to the Home Secretary to the Administration, drawing attention to the fact, but he shall in no case carry out the execution before the receipt of the Administration's reply.

If the convict submits a petition after the period, the Superintendent of the Jail shall at once forward it to the Administration by fax letter and at the same time the substance of it, requesting orders whether the execution should be postponed and stating that, pending a reply, the sentence will not be carried out. If such petition is received by the Superintendent later than noon on the day preceding that fixed for the execution, he shall at once forward it to the Administration and at the same time by fax/email/special messenger letter inform the substance of it, giving the date of execution and stating that the sentence will be carried out unless orders to the contrary are received.

In the event of it coming to the knowledge of the Superintendent at any time before the execution of the sentence that altogether exceptional circumstances have arisen which plainly demand a reconsideration of the sentence, he is at liberty, notwithstanding anything in the foregoing clauses, to report the circumstances by fax letter to the Administration and ask for its orders and to defer execution till they are received. In such instances, assistance of the District Legal Services Authority should be sought.

The Superintendent shall at once report back to the Secretary to the Administration in the Home Department all correspondence communicating orders to him regarding petitions for mercy, by way of acknowledgment of their receipt.

Legal aid should be provided to the convict at all stages even after the rejection of a mercy petition. Hence, Jail Superintendents are directed to intimate the rejection of mercy petitions to the nearest Legal Aid Centre apart from intimating the convicts.

Death convicts are entitled as a right to receive a copy of the rejection of the mercy petition by the President of India.

Mental Health Evaluation: As it is quite possible that some death row convicts might lose their mental balance, there should be regular mental health evaluation and appropriate medical care shall be given to those in needs.

Physical and Mental Health Reports: After the execution warrant is issued, the Jail Superintendent shall satisfy himself on the basis of medical reports by government doctors and psychiatrists that the prisoner is in a fit physical and mental condition to be executed. If the Superintendent is of the opinion that the prisoner is not fit, he should forthwith stop the execution, and produce the prisoner before a Medical Board for a comprehensive evaluation and shall forward the report of the same to the Administration for further action.

Furnishing documents to the convict:

Death row convicts shall be provided with copies of relevant documents within a week of conviction by the prison authorities to assist in making mercy petition and petitioning the courts.

Final Meeting between convict and his family: It would be mandatory for prison authorities to facilitate and allow a final meeting between the prisoner and his family and friends prior to the execution.

Post-mortem reports. After the execution of death penalty, post-mortem would need to be mandatory performed to ascertain the exact cause of death.

#### **11.18 Petition for mercy –Action by Administration.**

If the convict submits a petition within the above period, it shall be addressed to the President of India through UT Administration. The execution of sentence shall in all cases be postponed pending receipt of their orders.

The petition for mercy from a prisoner sentenced to death is to be forwarded to Secretary to the Government of India, Ministry of Home Affairs, through the administration of UT Ladakh and the Superintendent shall forward such petition as expeditiously as possible along with the reports of the case and his observations in respect of any of the grounds urged in the petition.

Upon the receipt of the orders of the President, an acknowledgment shall be sent to the Secretary to the Government of India, Ministry of Home Affairs, immediately in the manner hereinafter provided. In case the petition is rejected, the orders will be communicated by express letter and receipt thereof shall be acknowledged by express letter. Orders commuting the death sentence will be communicated by express letter. Receipt thereof shall be acknowledged by express letter.

A petition submitted by a convict shall be withheld by the Administration, if a petition containing a similar prayer has already been submitted to the President. When a petition is so withheld the petitioners shall be informed of the fact and of the reason for withholding it.

Petitions for mercy submitted on behalf of a convict under sentence of death shall be dealt with *mutatis mutandis*, in the manner provided herein for dealing with a petition from the convict himself. The petitioners on behalf of a concerned convict shall be informed of the orders passed in the case. If the petition is signed by more than one person, it shall be sufficient to inform the first signatory, the convict himself shall also be informed of the submission of any petition on his behalf and of the orders passed thereon.

Whenever a sentence of death has been passed by any Court or Tribunal, the sentence shall not be executed until after the dismissal of the appeal to the Supreme Court or of the application for special leave to appeal to the Supreme Court or, in case no such appeal has been preferred or no such application has been lodged, until after the expiry of the period allowed for an appeal to the Supreme Court or for lodging of an application for special leave to appeal to the Supreme Court; provided that if a petition for mercy has been submitted by or on behalf of the convict, execution of the sentence shall further be postponed pending the orders of the President thereon.

Note. —	If the sentence of death has been passed on more than one person in the same case and if an appeal to a higher Court or an application for special leave to appeal to the Supreme Court is lodged by, or on behalf of, only one or more but not all of them, the execution of the sentence shall be postponed in the case of all such persons and not only in the case of the person or persons by whom, or on whose behalf, the appeal or the application is lodged.
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On receipt of the intimation of the lodging of an appeal to the Supreme Court or of an application for special leave to appeal to that Court or of an intention to do so, the Administration shall forthwith communicate by Fax/letter/ E-mail or other fast means of communication to the Government Advocate, Ministry of Law, and also to the Secretary to the Government of India, Ministry of Home Affairs:

- (i) the name of the convict under sentence of death, and

(ii) Particulars relating to the appeal or the application.

If it is desired to oppose the appeal or the application, three copies of the paper book and of the judgment of the High Court or the Judicial Commissioners Court or the Tribunal, as the case may be, (one copy of each being a certified copy) a power of attorney in the form prescribed by the Supreme Court and instructions, if any, for the purpose of opposing the appeal or the application shall be immediately sent to the Government Advocate, Ministry of Law. Notice of the intended appeal or application, if and when served by or on behalf of the convict, shall also be transmitted to him without delay. If the intended appeal or application is not lodged within the period prescribed by the Supreme Court Rules, the Government advocate shall intimate the fact by express letter to the Administration. The execution of the sentence shall not thereafter be postponed, unless a petition for mercy has been submitted by or on behalf of the convict.

If an appeal or an application for special leave to appeal has been lodged in the Supreme Court on behalf of the convict, the Government Advocate, Ministry of Law will intimate the fact to the Administration and also to the Secretary to the Government of India, Ministry of Home Affairs. The Government Advocate will keep the aforesaid authorities informed of all developments in the Supreme Court, in those cases which present unusual features. In all cases, however, he will communicate the result of the appeal or application for special leave to appeal, to the Administration by express letter, endorsing a copy of his communication to the Secretary to the Government of India, Ministry of Home Affairs. The Administration as the case may be, shall forthwith acknowledge the receipt of the communication received from the Government Advocate. Court in each case will be supplied by the Government Advocate, Ministry of Law, in due course to the Administration of UT Ladakh, who shall acknowledge the receipt thereof. The execution of the sentence of death shall not be carried until after the receipt of the certified copy of the judgment of the Supreme Court dismissing the appeal or the application for special leave to appeal and until an intimation has been received from the Ministry of Home Affairs about the rejection by the President of India, of the petition for mercy submitted, if any, by or on behalf of the convict.

Minimum period of execution of death sentence. A minimum period of 14 days was stipulated by the Supreme Court between the receipt of the communication of the rejection of the mercy petition and the scheduled date of execution. This is to enable the convict to prepare himself and settle his affairs and meet his family members for one last time or to avail any judicial remedy.

#### **11.19 Communication to have special marking**

The words 'Death sentence' should be inserted before the address in communication relating to capital sentence.

In all cases receipts of orders communicating the rejection of petitions shall invariably be acknowledged by registered letter. The orders of Administration postponing the execution shall immediately be acknowledged by wireless message. A distinctive red envelope with the words 'Death Sentence' and 'Immediate' marked on the top left- and right-hand corners respectively, shall be used in death sentence cases. All Jail Superintendents shall make special arrangements to ensure that communication received in these distinctive envelopes are received in the prison at any time of the day or night either by the Deputy Superintendent or in his absence by the senior most officer in charge of the Prison at the time the communications delivered who: —

1. shall note the time and date of receipt of the communication in the receipt register, and
2. Shall immediately place the communication before the Superintendent, or in his absence he officers next below him, for orders.

#### **11.20 Action on final confirmation of Death Sentence**

The Administration shall fix the date of the execution of a convict if his Mercy Petition is rejected. On receipt from the Administration of the final confirmation and the date of execution of convict:

1. The convict and his relatives shall be informed about the date of execution By the Superintendent;

2. The convict, if he so desires, be permitted to prepare his will; in his will, his statement to that effect shall be recorded by the Deputy Superintendent.

### **11.21 Execution of death sentence**

All executions shall take place at the prison to which the warrant is directed, unless expressly ordered otherwise in the warrant. They shall usually be carried out in a special enclosure attached to, or within the walls of the prison. No convict shall be executed on a day which has been notified as a public holiday.

### **11.22 Postponement on medical grounds**

The execution of a convict shall not be carried out on the date fixed if he is physically unfit to receive the punishment, but in determining the degree of physical disability sufficient to justify postponement of the execution, the illness shall be both serious and acute (not chronic) before postponement is considered.

The Superintendent shall at once submit to the HoPD, a detailed report of such cases together with the medical opinion regarding the degree of physical disability of the prisoner and the probable date, if any, on which the prisoner is likely to become physically fit for execution.

### **11.23 Delay in capital sentence**

Should any extra ordinary or unavoidable delay occur in carrying out a capital sentence in to execution from any cause other than the submission of an appeal or application, the Superintendent shall immediately report the circumstances to the Sessions Judge and return the original warrant either for the issue of a fresh warrant, or for an endorsement upon the same warrant, of an order containing a definite date for carrying the postponed sentence into effect.

### **11.24 Arrangement for execution**

On receipt of the date of execution of the prisoner, the Superintendent shall be authorized to fix the time of execution sufficiently in advance. A report intimating the time of the execution shall be sent to the HoPD, the Sessions Judge and the Administration.

Note. —The execution shall take place early in the morning before it gets bright. The latest time of the day for different seasons will be in accordance with orders passed separately by the Administration.

The Executive Engineer (PWD) having jurisdiction shall arrange the inspection of the gallows every quarter and before the date of a hanging as and when intimated by the Superintendent. The gallows shall be inspected and the rope tested in the presence of the Superintendent the evening before the execution, he being personally responsible that these arrangements are properly made. A new rope need not necessarily be used for every execution, but the Superintendent shall see that the rope is carefully tested. As a rule, a bag of sand weighing 1½ times the weight of the prisoner to be hanged and dropped between 1.830 and 2.440 meters will afford a safe test of the rope. Two spare ropes for each prisoner sentenced to death shall be kept ready in reserve on the scaffold in the event of accidents.

The Medical Officer shall report in the medical report about the drop to be given to the prisoner at least four days before the date on which the prisoner is to be executed. The Medical Officer of the prison shall work out the details of the length of the drop to be given to a prisoner on principles shown below: -

- (i) If the prisoner weighs less than 45.360 kgs, he shall be given a drop of 2.440 meters;
- (ii) If the prisoner weighs from 45.330 to 60.330 kgs, he shall be given a drop of 2.290meters;
- (iii) If the prisoner weighs more than 60.330 kgs, but not more than 75.330 kgs, he shall be given a drop of 2.130 meters;
- (iv) If the prisoner weighs more than 75.330 kgs but not more than 90.720 kgs, he shall be given a drop of 1.980 meters;



- (v) If the prisoner weighs more than 90.720 kgs, he shall be given a drop of 1.830 meters.

Provided that so long as the extreme limits of 1.830 meters on the one hand and 2.440 meters on the other hand are adhered to if, owing to physical peculiarity of the prisoner, the Medical Officer is of opinion that the drop should be increased or decreased, effect should be given to the Medical Officer's opinion.

Note. -The above calculations are based on the assumption that the execution rope will be made of cotton yam / manila of 2.59 to 3.81 cm Diameter.

The following measures shall be adopted regarding the fixing of the length of the rope to permit the required drop:

- (i) The height of the prisoner to the angle of the jaw immediately below the left ear shall be accurately measured, as well as;
- (ii) The height from the drop shutter, when fixed in position, to the lower portion of the ring in the beam to which the rope will be affixed.

These two measurements will determine the distance when the prisoner is standing in position on the drop, from the point of the latter's jaw to the ring in the beam. The measurement of the prisoner's neck shall also be carefully taken, the neck measurement and the height measurement to angle of jaw being carried out immediately after the prisoner has been sentenced to death. The length of rope for any given drop shall be the length of the drop plus the distance from the angle of the prisoner's jaw to the ring in the beam. That is to say, that assuming the distance between the angle of the jaw and the iron ring to be 1.220 meters and the desired drop to be 2.130 meters, the amount of free hanging from the ring shall be 3.350 meters from the ring to the leather washer maintaining the loop in position on a pillow of gunny cloth, filled with sand, of the same thickness as the neck of the prisoner.

Wax or butter shall be applied to the loop of the rope. After testing, the rope and other equipment shall be securely locked and sealed in steel box and shall be kept in charge of Deputy Superintendent.

The gallows shall be inspected and the rope tested in the presence of the Superintendent the evening before the execution; he being personally responsible that these arrangements are properly made. A new rope need not necessarily be used for every execution but the Superintendent shall see that the rope is carefully tested. As a rule, a dummy or a bag of sand weighing 1½ times the weight of the prisoner, hung and roped between 6 and 8 feet or 1.83 and 2.50 mtrs will afford a safe test of the rope. Two spare ropes for each prisoner shall always be kept ready in reserve on the scaffold to meet any contingency.

Wax/butter shall be applied to the loop of the rope. After testing, the ropes and other equipment shall be securely locked and sealed in steel box and shall be kept in charge of the Deputy Superintendent.

#### **11.25 Presence of officers at execution of prisoner**

The Superintendent, Deputy Superintendent and Sr. Medical Officer shall be present at all executions. An Executive Magistrate deputed by the District Magistrate shall attend the execution and countersign the warrant. If the prisoner so desires, a priest of his faith may be allowed, at the discretion of the Superintendent, to be present at the place of execution, subject to the requirements of security and prison discipline.

Relatives of the prisoner and other prisoners shall not be allowed to witness the execution. The Superintendent may, however, permit social scientists, psychologists, psychiatrists, etc. who are conducting research to be present. The Superintendent's discretion shall prevail in the matters relating to grant of permission to witness execution. As a matter of general policy, other persons shall not be permitted to be present.

A police guard of not less than ten constables and two Head Constables or an equal number from the prison Armed Guards, shall be present at every execution. The Superintendent of Police will supply the guard on application, where no armed guard of the prison exists.

Prisoners of all categories shall be kept locked up until the execution is over and the body removed from the prison.

### **11.26 Execution**

The Superintendent, the Executive Magistrate, The Medical Officer and the Deputy Superintendent will visit the prisoner in his cell before the hour fixed for execution. The Superintendent and the Executive Magistrate shall identify the prisoner as the person named in the warrant and read over to him a translation of the warrant in his mother tongue. Any other documents requiring attestation by the prisoner such as his will etc. shall be signed and attested in the presence of Superintendent and the Executive Magistrate. The hands of the convict shall be pinioned behind his back.

A cotton cap with flap shall be put on the prisoners face just before he enters the gallows enclosures. The prisoner shall not be allowed to see the gallows. The Superintendent shall invariably see that the rope round the neck of the prisoner is adjusted properly and the knot is placed in the proper position.

The operations mentioned above shall be done simultaneously and quickly as possible. On completion of all these operations the Superintendent shall give a signal, on seeing which the executioner in charge shall push the lever to release the trap-door.

The body shall remain suspended for half an hour before being taken down or until the Medical Officer has certified that the life is extinct.

### **11.27 Hangman's fees**

The hangman shall be paid at the rates fixed by the Administration for the execution of each convict.

### **11.28 Disposal of body**

Subject to the provisions of this paragraph, the body of the executed prisoner shall be disposed of according to the requirements of the religion to which the executed convict belonged.

If the executed prisoner's relatives make a written application for performing the last rites, the Superintendent may, in his discretion, allow such request, provided that the relatives give an undertaking in writing before the District Magistrate that they will not make a public demonstration of any kind in relation to the cremation or burial of the executed convict. In cases where the Superintendent thinks that there is a likelihood of a public demonstration, he has the authority to refuse such permission. In cases of disposal of the body of executed prisoner, in whose case there is likelihood of public demonstration, the Superintendent shall consult the District Magistrate and arrangements for the disposal of the body shall be made according the requirements of the situation. In such event, the Superintendent shall act in accordance with the instructions of the District Magistrate.

Except as provided in this chapter, the body of the executed prisoner shall be taken out of the prison with all solemnity. An ambulance shall be used for the transportation of the body to the cremation or burial ground. The Superintendent is authorized to incur all actual expenditure required for the transportation and disposal of the dead body.

### **11.29 Report of execution of death sentence**

The Superintendent shall, immediately after each execution, send a report thereof to the HoPD in Appendix -10 and he shall return the warrant duly endorsed to the Court which issued it. HoPD shall forward the same to the Administration and other concerned quarters.

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**CHAPTER XII****EMERGENCIES****12.01 Situations to be handled on an emergency basis**

The following situations shall be handled as emergencies: -

- a. Escape from prison
- b. Outbreak
- c. Riots
- d. Strikes
- e. Hunger Strikes (individual or mass)
- f. Assault
- g. Suicide
- h. Accidents
- i. Fire
- j. Epidemic
- k. Food poisoning
- l. Overcrowding
- m. Failure of water supply, electric lighting arrangements, and other essential prison services like conservancy and plumbing;
- n. Non-supply of food or raw materials resulting in the interference of prison routine
- o. Flood
- p. Earthquake
- q. Terrorist Attack
- r. Bomb Explosion
- s. War/Bombing
- t. Nuclear, biological and Chemical Disasters
- u. Any other man-made/natural disasters

**12.02 Measures to prevent and control emergency situations**

It is the responsibility of the Superintendent to take sufficient measures for preventing and controlling emergency situations, in conformity with the Disaster Management Act and any other Act, that may be relevant and all other instructions/ or desisted by the competent authority from time to time. These measures may inter alia include:

- a. Demarcation of an out-of-bound area around the perimeter wall of the prison,
- b. Adequate guarding and security measures and periodical in sections,
- c. System of thorough searches,
- d. Proper maintenance of the prison building and premises through Technical Wing/Section or in consultation with them,
- e. Proper custody of tools and equipment,
- f. proper control of movement of prisoners,
- g. Timely segregation of prisoners who are instigators, or of bad character, and are potential risks to prison discipline,
- h. Prompt and strong but considerate and ling of all discipline problems,

- i. Attending to care and welfare requirements of prisoners,
- j. System of good discipline,
- k. Careful handling of plant and equipment,
- l. Periodical inspection of plant equipment and emergency operation,
- m. Accident preventive measures,
- n. Fire preventive measures,
- o. Fire fighting equipment at all vulnerable points,
- p. Good environmental and institutional sanitation and hygiene,
- q. Proper procedure of quarantine for newly admitted prisoners,
- r. Segregation of prisoners suffering from contagious diseases,
- s. Proper storage and inspection of articles of food,
- t. Observance of the required minimum standards in kitchen and canteen operations, service of food and eatables,
- u. Wire guards on trees to discourage prisoners climbing them for escape,
- v. Standby arrangements for water storage, power plant, and emergency lighting,
- w. Concealing all drainage and water pipes in the buildings.
- x. Powers of prison officers (Assistant Superintendent, Deputy Superintendent and Superintendent of Jails) to use force in emergent situations.

### **12.03 Equipment for emergencies**

Each prison shall be properly equipped with the following to meet various types of emergencies:

- a. Fire fighting equipment
- b. Emergency lighting arrangements like Gen Sets, Electric Torches and Gaslights
- c. Searchlights: Chest guard/Leg guard/Arms guard
- d. Steel helmets
- e. Canes: Batons
- f. Tear gas equipment
- g. Water hoses
- h. Telephones, inter-communication system and walkie-talkies
- i. Arms and ammunition
- j. Ladders, axes, knives, ropes, chains, handcuffs, alarms and sirens
- k. First Aid kit
- l. Video camera/Digital camera/any other electronic equipment for photography/ modern equipment suitable to tackling any of the above emergencies.
- m. Public Address System.

The Superintendent shall obtain the necessary sanction of the Head of Prisons Department (HoPD) for the purchase of articles listed above.

It shall be the responsibility of the Superintendent of Jails to ensure that all these equipment's are always kept in good condition for use in emergency, to be stored near the main gate (Deodhi).

### **12.04 Preparations for emergencies**

Institutions where dangerous prisoners are kept, or where there is a likelihood of any kind of serious disturbances, should be fully equipped in all respects. In such institutions, the security arrangements should also be very strict.

Each prison should have a Quick Reaction Team as provided in Chapters IV (Institutional Personnel) & V (Custodial Management). The personnel of this squad should be given special training in handling various emergencies or unforeseen situations and should also be properly equipped and ready for action.

Drills for handling emergencies should be held at fixed intervals and a report should be submitted to the HoPD in the prescribed form.

#### **12.05 General instructions for handling emergencies**

The general instructions to be followed in handling emergencies:

- a. Giving immediate first aid to the injured.
- b. Preventing entry into the affected area.
- c. Immediate action to counter the spread of trouble to other areas,
- d. Quick intimation to all authorities concerned.
- e. Reporting to authorities concerned for help, if necessary.
- f. If the Superintendent is not present in the prison when the problem occurs, he shall reach there as soon as he gets its information of such emergency and take suitable measures for controlling it. Information should also be sent to the Additional or Deputy Superintendent who shall reach the prison immediately and either assists the Superintendent or take charge of the situation. The range Deputy Inspector General of Prisons should be also informed.

### **ESCAPE**

#### **12.06 Sounding an alarm**

A siren or an alarm bell (which may be electronic, electric or manual) that can be easily heard at the quarters of the subordinate officials shall be kept near the main gate of every prison, and in places where prisoners are employed in large numbers. In the latter, case the alarm should be loud enough to be heard at the main gate.

1. Use of control measures, such as hand cuffing, locking prisoners, segregating the trouble makers and mob dispersal.
2. Tightening all security measures according to the requirements of the situation.
3. Mustering all possible help for effective handling of the emergency obtaining all necessary assistance from the District Magistrate, the Police and the Fire Brigade.

The sequence of alarms starting with the blowing of a whistle, followed by striking of the alarm gong shall indicate the need for urgent help because of an escape or its attempt.

#### **12.07 Escape attempts**

Should any prisoner attempt to escape, the guard or sentry shall at once raise the alarm if the help of other guards is essential to prevent the prisoner's escape. He shall at the same time take all necessary steps to prevent the prisoner's escape. The armed guard shall be ready at a moment's notice to prevent any group attempt to escape from the prison.

#### **12.08 When an escape takes place from an extramural group**

On the alarm being sounded because of an escape from a work site from outside the prison, the officer in charge of the standing guard at the main gate shall dispatch as many warders as he can spare for assistance. The remaining warders shall wait for orders from the senior officer present.

In charge of the outside group, from which a prisoner has escaped, shall, after sounding the alarm, send one of his escorts to apprehend the prisoner and after collecting the remaining prisoners shall march them back to the main gate of the prison where he shall report the escape to the senior officer on duty.

#### **12.09 Duty of the Deputy Superintendent**

As soon as a report of an escape is received, the Deputy Superintendent or another senior officer on duty shall:

Dispatch a party of sufficient strength to search the locality where the escape has occurred, and Inform the Superintendent of the escape who in turn shall take suitable action for apprehending the escaped prisoner/prisoners.

#### **12.10 Escape during night**

If the escape takes place during night and there is possibility of the prisoner still being inside the prison, search shall be made with torch lights inside the prison.

#### **12.11 Duty of Superintendent**

The Superintendent shall give prompt notice of the escape to the nearest police station, the Executive Magistrate of the area and the District Magistrate. Such information shall be accompanied by a nominal roll along with photograph giving a description of the escaped prisoner. He shall also send immediate intimation to the police station near the prisoner's home. If the prisoner belongs to a district other than that in which he was in prison, intimation shall be sent to the Magistrate of his district or to the Senior Superintendent of Police of that area, with copy to Deputy Inspector General of Prisons.

#### **12.12 Report to the HoPD**

If a prisoner escapes, the Superintendent, or Deputy Superintendent, shall immediately convey the message over phone to the HoPD and in his absence to the next officer available in the headquarters, followed by a detailed report within 24 hours from the time of escape. A copy of this report shall also be sent to the Administration. It shall contain information on the time and circumstances in which the escape occurred, the party or parties by whose neglect it occurred, whether the prisoner has been recaptured and if not, the measures taken to recapture him. When the prisoner is recaptured, another report shall be sent to the HoPD.

#### **12.13 Publication of escapes**

Notice of escape of prisoners and of the rewards offered for their recapture shall be published in the daily News Papers, if so, ordered by the HoPD.

#### **12.14 Power to sanction reward**

The HoPD may take decisions regarding the sanctioning of rewards in such cases in consultation with Deputy Inspector General.

#### **12.15 Reward to prisoners preventing an escape**

All cases in which prisoners prevent an escape, either by warning the officials about any plot or preparation, or by seizing a prisoner attempting to escape, or in any other manner, shall be brought to the notice of the HoPD with a view to giving them suitable rewards.

#### **12.16 Punishment for facilitating an escape**

Every officer of the prison, because of whose assistance, connivance, or neglect, an escape takes place, shall be prosecuted under sections 222, 223 or 225-A of the Indian Penal Code, 1860 unless very extenuating circumstances are present or the Superintendent considers the evidence insufficient to procure a conviction.

### **12.17 Procedure on recapture**

The recapture of the prisoner shall be informed to all those who were informed of the escape originally.

A recaptured prisoner may be received back into prison on his original warrant and should be marked to wear yellow Cap.

### **12.18 Disposal of warrants of escaped prisoners**

The warrant of a prisoner who escapes from prison shall be retained in the prison for 10 years from the date of his escape. If he is not recaptured within that period, it shall be returned to the committing court with an endorsement giving the reasons.

## **OUTBREAKS**

### **12.19 Alarm to be sounded on outbreak**

Whenever there is a Jail outbreak, or an agitation inside a prison, or any law-and-order problem, the concerned Jail Superintendent shall inform the District Magistrate and the District Superintendent of Police and request for assistance. It will be mandatory on the part of District Magistrate and the District SP to respond to the request of Superintendent of Jail. The District Magistrate has to control and direct the action of the Police while the District Police will bring order inside the prison using the required force/action. Police Station concerned will take care of the other aspects of criminal act (mensrea) of the participating prisoners. However, till the arrival of the District Police, the prison guards and PMF personnel guarding the prison shall initiate steps to control the situation and prevent further untoward incidents.

In the event of an outbreak or disturbance, the prison official present at the scene of occurrence shall raise an alarm by blowing his whistle hearing which the warder staff shall blow their own whistles. It will be followed by sounding of gong or siren at the main gate. Every prison official outside the prison shall proceed at once to the guard room and arm himself with a baton. A messenger shall be sent by the senior officer present to the Superintendent and Deputy Superintendent who shall summon every available man.

### **12.20 When the alarm is sounded**

At the sound of the alarm the reserve guard shall march inside the Prison. The main gate sentry along with other warders shall be posted between gates and unless the prisoners are actually threatening the main gate, the rest of the force available shall enter the prison armed with batons and proceed at the double to the scene of the disturbances. But if the prisoners are threatening the main gate, it must be defended until the guard is strong enough to enter and drive the prisoners back. The armed reserve guard (PMF) shall not enter the prison or arrive at the scene of the disturbance until specially sent for by the officer in command on the request of Jail Superintendent.

### **12.21 Duty of convicts on hearing an alarm**

When the alarm is given it shall be the duty of every convict to run at once to previously defined places of security, usually the nearest sleeping barrack, where they shall be locked in by the warders inside the prison. Prisoners should be warned in advance that neglect of this rule shall render them liable to be treated as participating in the outbreak.

### **12.22 Methods of quelling disturbances**

On reaching the scene of disturbance, the guard shall proceed to quell it by using batons or tear gas, if available, as the officer in command may decide. Action shall first be directed to prevent any attempt at escape, to isolate the rioters from other convicts, and to rescue any prison officer who may be in danger. If the disturbance is accompanied by an attack on any prison official, or by a combined attempt to escape, the officer in command shall

warn the prisoners that they will be fired upon if they do not submit. If circumstances permit, this warning shall be repeated three times. If the prisoners do not submit, or the outbreak or disturbance cannot be quelled, the officer in command may summon the reserve guard and use necessary force.

On arrival of the Superintendent, orders shall be taken and all officers from the rank of Deputy Superintendent and below shall act as per the orders. Prison officials shall not attempt to disperse a mob outside the prison unless the prison staff is threatened.

Enquiries on incidents like assaults on prison officials shall be conducted by the Superintendent, or such other officer as the HoPD may direct.

### **12.23 Defence of main gate**

The main gate sentry and the additional warders posted between gates shall defend the main gate. If prisoners cannot be driven back by any other means, firing shall be resorted to by PMF/Police after due warning under the orders of Executive Magistrate. It shall be stopped as soon as the prisoners are driven back.

### **12.24 Disturbance within wards**

If the disturbance occurs within the wards, the available force shall enter the prison armed with batons and shall proceed at the double to the yard gate. Reserve guard shall be detached to enter the ward and quell the disturbance while the remaining force waits at the yard gate.

### **12.25 Treatment of extramural groups**

Groups which are outside the prison when the alarm is sounded shall at once be collected and made to sit close together under the charge of their escort till the disturbance is over. If the situation permits these groups shall be taken in and locked up in a ward so that the warders in charge of the group can be released for other duty.

### **12.26 Rehearsal of procedure on alarm**

It is of importance that if an outbreak occurs, every man knows precisely what he has to do. In order to perfect this procedure, a drill parade shall be held once in two months or more often in each prison. All steps laid down in the rules shall be rehearsed as accurately and promptly as possible. The convicts too shall be trained to run at once to the assigned place of security when the alarm is sounded. No arms shall be taken inside the prison during practice alarm parades. The Superintendent shall make a record of each practice session and its results in his register.

## **ACCIDENTS AND SUICIDES**

### **12.27 Procedure when unnatural death occurs**

Whenever a sudden or violent death or suicide takes place in a prison, immediate notice shall be sent to the Superintendent and the Medical Officer. If there are chances that the person is still alive, measures shall be taken at once for the prisoner's first-aid and treatment and revival. In the case of a prisoner found suspended by a rope in an attempt to commit suicide, and there is reason to believe that he may still be alive, the body shall be raised at once to relieve pressure and laid gently on the ground. All measures shall be taken to restore consciousness, without waiting for assistance, which however shall be called for without delay. In all events of a death procedures laid down in the chapter on death should be followed. The body shall be left untouched in the position in which it was found for inspection by the officers.

### **12.28 Custody of articles used for suicide**

Knives and tools used in work sheds and barber's or tailor's equipment including Kitchen shall be counted and locked by the warders every day. Ropes for wells shall be properly secured or locked up, and the wells themselves protected to prevent persons falling or throwing themselves in. Care shall be taken that nothing is left about in the prison that may be used for suicidal purposes.



### **12.29 Precautions against the prisoners with apparently suicidal tendencies**

Prisoners with apparently suicidal tendencies declared by the Medical Officer shall be carefully watched and not left alone in a cell. Such prisoners should also be referred to counsellors and psychiatrists and should be supervised closely.

### **12.30 Employment of convicts on dangerous work**

When prisoners are employed in blasting, excavation or other work of a dangerous character, it shall be the duty of the officer conducting the work to take every reasonable precaution to guard against accidents. In blasting operations, no convict shall be employed to fire the charge. In excavations, the walls shall be sloped or cut insteps.

### **12.31 Custody of Poisons**

Poisonous drugs and drugs inducing drowsiness, surgical instruments and other similar things shall not be left within the reach of prisoners. Every receptacle containing any poisonous drug shall be labelled "Poison" in large printed characters. All these shall be kept under lock and key in the Medical Unit. Under no circumstances such key shall be entrusted to a prisoner.

### **12.32 Precaution against drowning**

A strong rope and grappling irons shall be kept in the guard room of every prison, to be at hand in case of accidents in wells.

## **FIRE**

### **12.33 Prevention of fire**

Special care shall be taken while using gas lights in any office or store room. Even in the maintenance of electric lights, any leakage shall be immediately brought to the notice of the Deputy Superintendent and rectified without delay.

All staff in charge of offices and stores shall take a round of the offices and store rooms before they are closed for the night and satisfy themselves that everything is safe.

Fire shall be used in the workshops in properly constructed fireplaces and the senior officer, who locks up the prison, shall satisfy himself before leaving that these fires are properly extinguished. The concerned senior technical staff of the section shall also be responsible in this regard.

No burning coal, wood or other fuel used in kitchen or work places including for heating purpose shall be allowed to be taken out. Those in charge of the kitchen shall be responsible for any violation. If liquefied petroleum gas is used in kitchen, it shall be ensured that gas cylinders are stored in a secured room in accordance with the safety rules for storage of LPG cylinders and that no prisoner has access to such place. If any fire occurs nobody should be allowed near the gas room until the fire is completely quelled.

There shall be fire hydrants and fire fighting equipment (sand and water buckets) in all parts of the prison, and especially at all vulnerable points decided in consultation with the District Fire Officer. Electric installations in the prison shall be inspected at regular intervals. In extramural camps and open institutions, precautions such as provision of large supply of water and fire fighting equipment shall be kept ready at hand. Each Superintendent shall draw up instructions on fire safety and the drill to be adopted in his prison, showing the respective duties of all members of the prison establishment on an alarm of fire being given. He shall make the staff rehearse the fire drill at least once in six months. This would include fire fighting safety measure and evacuation techniques. In the event of a fire immediate information to fire brigade shall also be sent. Till help from the fire brigade is received, every attempt to quell the fire shall be made. In the event of fire breaking out in the prison by day or night, the alarm shall be sounded. Steps shall be taken to ensure that fire does not spread to other parts of the prison and the lives of

prisoners and of members of the staff are not endangered. In the event of an injury to a prisoner, or a member of the staff on duty, because of fire (a) medical attention to the injured shall be given and (b) an inquiry shall be immediately held and statements of the injured prisoner or member of the staff and other witnesses shall be recorded.

## **EPIDEMICS**

### **12.34 Epidemics and precautions against them**

Epidemics which are likely to occur in prisons are cholera, enteric fevers, gastroenteritis, chickenpox, skin infectious, influenza including corona infection, cerebrospinal meningitis, pneumonia, plague, beriberi, scurvy, epidemic cropsy, etc.

When an epidemic is present in the vicinity of a prison, communication as well as physical contact between the staff and the infected locality shall be, as far as possible, prevented and special care shall be taken that all arrangements to prevent an outbreak are completed.

### **12.35 Removal to a segregation shed**

Every prison shall be provided with a permanent segregation shed outside the prison walls. On the occurrence of a case, or a suspected case, of cholera or any other infectious disease, the patient shall be immediately removed to one of these sheds under medical supervision while all orderlies and scavengers attending on the case shall be strictly isolated in another shed. On no pretext, shall they be allowed to enter the prison or communicate with other prisoners until all risk of infection is over. If possible, the prisoner shall be removed to a hospital concerned outside the prison.

Whenever there is any pandemic/epidemic in the area/State, Jail Superintendent shall seek advice of Medical Officer and both shall together frame an SOP in order to prevent spread of disease/infection in the Jail.

If any infection spreads in the jail and there is need to isolate the infected prisoners, Administration shall be approached under Prisons Act 1894 Section 3 (i) and 7 for declaring any building which is secure and has all the basic facilities as Temporary Jail.

### **12.36 Treatment of prisoners after contact with infection**

All prisoners employed in cleaning award in which a case of suspected infectious disease has occurred, or who have been in contact with the patient, shall be detained under medical observation in a separate building to prevent their mingling with other prisoners. Special care shall be taken that they bathe and feed separately.

### **12.37 Prison officers' clothing, if infected**

If there is any reason to think that the clothing of any warder or other prison officer is likely to have been polluted by any cholera discharge, it shall be at once withdrawn from use and disinfected.

### **12.38 Treatment of the infected barrack**

The barrack in which a case occurs shall be immediately vacated and the inmates kept together and not allowed to go near other prisoners. The vacated barrack shall be thoroughly disinfected.

### **12.39 Vaccination or inoculation**

Whenever a case of an epidemic occurs, the Medical Officer shall at once arrange for vaccination or inoculation, as the case may be, of all prisoners, prison personnel and members of their families.

### **12.40 Accommodation of patient**

Overcrowding must be strictly avoided both in the hospital as well as in every cell and ward. If the epidemic is severe then it may be desirable use the entire hospital for treatment of epidemic cases, removing all other cases to a temporary hospital that can be set-up in a ward or work shed, (if no better place is available). Minor cases of colic or ordinary diarrhoea shall also be treated separately and not admitted to the hospital until the characteristic symptoms of cholera and diarrhoea have disappeared.

#### **12.41 Sterilization of drinking water**

On the recommendation of the Medical Officer, drinking water shall be thoroughly boiled. Gas shall be made available for this purpose to the minimum extent necessary as decided. Care shall also be taken to ensure that sufficient appliances for boiling of water are also provided. As far as possible, reverse osmosis plants should be in place in prisons to prevent water borne diseases.

#### **12.42 Observation of prisoners**

The general condition of prisoners shall be carefully watched to detect incipient cases. Any person attacked by premonitory symptoms shall be removed for treatment at once. Convict officers shall be required to report any sign of sickness at once. A prisoner visiting the latrine more often than usual shall be placed under observation.

#### **12.43 Treatment of hospital floor**

The floor of the segregation hospital shall be washed or sprinkled liberally with 2% saponified cresol or izal lotion.

#### **12.44 Disposal of dejecta**

The dejecta shall be placed in a vessel with a close fitting cover containing an equal part of 4% cresol or izal lotion for two hours and then buried. The dejecta can also be incinerated with saw dust, paddy husk or kerosene.

#### **12.45 Cleanliness of prisoners**

Special attention shall be given to the cleanliness of prisoners and their clothing. The water used for washing shall not be allowed to remain within the prison walls.

#### **12.46 Treatment of clothing and bedding**

The clothing and bedding of the inmates of an infected ward shall be either immersed for 30 minutes in boiling water or kept in 20% carbolic or cresol lotion and then aired and returned to them after they have bathed. Hospital clothing and bedding used by infected patients shall be burnt. Other steps may also be taken as advised by the Medical Officer(s).

#### **12.47 Disposal of a infected corpse**

The body of a person who has died of an infectious disease shall be wrapped completely in a sheet saturated with 2% carbolic or cresol lotion and buried/ cremated without the least delay.

#### **12.48 Report to the HoPD**

The first occurrence of a case of cholera or any other infectious disease shall be at once reported to the HoPD by E-mail or any fast means of communication which shall be followed by a written report on the same day, stating the circumstances of the case and the measures taken to arrest the progress of the diseases.

The next two cases too shall likewise be reported by E-mail/ what's App to the HoPD/DIG. On the occurrence of the second case, the Superintendent shall submit a report stating whether he proposes a large-scale segregation of prisoners within the prison premises. If he does then he shall elaborate the measures he is taking for it. If he does not plan segregation, he shall reason for that as well. If the HoPD is absent from the Headquarters, the report shall be sent to him through electronic medium.

**12.49 When shall a disease be deemed epidemic**

If three or more cases occur within one week of the occurrence of the first case of the infectious disease, it shall be concluded that the disease has assumed an epidemic form.

**12.50 Rules generally applicable to epidemics**

The above rules relate for segregation are also applicable to other disease, such as influenza of any type, small pox and plague. In these cases, the necessity for segregation is equally important. In case of typhoid fever, changing the water supply is of primary importance.

**12.51 Daily report during epidemic**

Whenever an epidemic prevails in a prison, a daily report shall be furnished to the HoPD.

In this report the Medical Officer shall briefly note the progress of the epidemic, the measure she is taking to arrest it, and any information he may consider of importance. A copy of this report shall also be sent to the Director of Medical Services.

**12.52 Special epidemiological inquiry**

The HoPD in consultation with the Director of Public Health and Preventive Medicine, may call for an epidemiological inquiry or report from the Medical Officer whenever he considers it advisable. A copy of such an inquiry report shall be furnished to the Director General of Health Services, Government of India, New Delhi with copy to Administration Home Department.

**HUNGER STRIKES****12.53 Procedure to be followed in cases of hunger strikes**

Prisoners who go on hunger strike shall be warned that no redress of any alleged grievances shall be allowed as long as the strike continues and that they shall be liable to any prison punishment or to prosecution under Section 52 of the Prisons Act, 1894.

After sufficient warning and before the refusal to take food has adversely affected them, and if any other punishment appears unlikely to deter them, they may be prosecuted under Section 52 of the Prisons Act, 1894. The usual concession in the matter of interviews and letters of such prisoner shall be barred for a specific time not exceeding 2 weeks.

When prosecutions are instituted under Section 52 of the Prisons Act, 1894. The proceedings shall be held within the prison and shall be started and completed with as little delay as possible.

**12.54 Forcible feeding of prisoners on hunger strike**

It is the duty of the prison authorities to do what they reasonably can to keep prisoners in their charge in good health and to save them from death. Therefore, if a prisoner is likely to cause his own death by continuously refusing to take food, the Medical Officer may direct that the prisoner be forcibly fed to keep him alive. Forcible feeding shall not be attempted with unnecessary violence. But till such a stage is reached, food approved by the Medical Officer shall be regularly placed beside the prisoner on hunger strike for his consumption.

**12.55 Daily report to the Administration**

The Medical Officer shall furnish daily reports to the Superintendent on the health of the prisoner who is on a hunger strike. He in turn shall forward it to the Administration through the HoPD. The Superintendent shall send a report to the District Magistrate and the Superintendent of Police concerned.

**OVERCROWDING**

**12.56 Overcrowding shall be reported to the HoPD**

If a prison becomes overcrowded, the Superintendent shall take suitable action for accommodating all the prisoners properly, duly reporting the circumstances leading to overcrowding to the HoPD. Any other matter pertaining to overcrowding shall always be referred to the HoPD and Deputy Inspector General of Prisons Range, for orders.

**12.57 Measures to relieve overcrowding**

As soon as prisoners in excess of the available accommodation are received in any prison or hospital, the Superintendent shall submit a report to the HoPD with a statement of the measures which he proposes to adopt to relieve the overcrowding, and such temporary arrangements, as he thinks best, shall at once be adopted for this purpose.

**12.58 Keeping prisoners in sheds or tents**

Prisoners in excess of the accommodation shall not, except as a temporary measure, be placed in work sheds or verandahs, but shall be kept in sheds or tents inside the prison. The Superintendent shall always obtain prior sanction, whenever necessary, for incurring expenditure in this regard and shall ensure economy in every aspect.

**EARTHQUAKE****12.59 In the event of an earthquake the following action shall be taken:**

- (i) The prisoner shall be asked to take cover (kneel down, and cover head with arms).
- (ii) The prisoners shall be asked to remain in the same position for a few minutes, due to after-shocks.
- (iii) The prisoners shall be kept at least 14 feet away from windows, mirrors, chimneys, tall book cases, furniture, old and high buildings, poles, trees and electric wires.
- (iv) The prisoners shall be asked to walk towards an open place, in a calm and composed manner.
- (v) Evacuation and rescue measures should be undertaken on instructions from an evacuation team and unnecessary crowding of affected area should be avoided.

**12.60 Other emergencies**

Suitable action shall be taken according to the requirements in cases of other emergencies as well. The Superintendent shall report the circumstances to the HoPD/Deputy Inspector General. A Contingency plan in place at every Prison to tackle any emergency situation such as attacks and similar. Jail Superintendent along with Para Military Force (PMF) and local administration should review such contingency plan periodically.

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### **CHAPTER XIII**

#### **EDUCATION OF PRISONERS**

##### **13.01 Education is vital for the overall development of prisoners.**

Through education, their outlook, habits and total perspective of life can be changed. Education of prisoners benefits the society as well as it leads to their rehabilitation, and reintegration. Education reduces the tendency to commit crimes. This would mean less crime, fewer victims, fewer prisoners, more socially productive people, and less expenditure on criminal justice and law enforcement.

Education is harmonious and necessary for the all-round development of human faculties-mental as well as physical. It is a tool by which the knowledge, character and behaviour of the inmate can be moulded. It helps a prisoner adjust to the social environment and facilitate his ultimate reintegration in society.

Life in prison tends to be monotonous and regimented. There is a need to provide prisoners with adequate educational opportunities in order to enable them to lead a law-abiding and self-supporting life following their release. It must be understood that placing offenders in side prison cells without any attempt to reform them is an unproductive exercise.

Education of inmates is the key rehabilitative tool and internet is an effective means of providing education to prisoners subject to security norms.

##### **13.02 Objective**

The objective behind educational programs in prisons may be to channelize prisoners' energies into constructive and creative pursuits, instilling in them a sense of confidence, developing amongst them social responsibility and consciousness, fostering amongst them habits and attitudes necessary for adjusting in the community, creating amongst them an awareness of the futility of leading a criminal life and uplifting them morally, mentally and socially. A comprehensive educational programme in a prison may aim at:

- (i) Providing opportunities to illiterate inmates to achieve at least a certain minimum level of education,
- (ii) Extending facilities to literate inmates to advance their educational standards,
- (iii) Developing a better understanding of the duties and obligations of a citizen,
- (iv) Improving the attitude of inmates towards society and fostering a desire to live as good citizens,
- (v) Assisting the development of good social and ethical habits and attitudes so that the inmates may properly adjust their lives when they are released,
- (vi) Helping them to improve their personalities and ability for social adjustment through individual and group guidance in social living, planning,
- (vii) Developing a point of view which will make the futility of a criminal way of life apparent to the inmates, making them aware of the advantages of a law-abiding life,
- (viii) Stimulating sustained interest and effort towards self-improvement, and
- (ix) Developing social consciousness and a sense of social responsibility and obligations.

### 13.03 Planning

Educational plan for prisoners will be such that:

- (i) The purpose of education is to facilitate transformation, reformation and reintegration of prisoners into society. In order to achieve these objectives, an adequately trained educational staff and minimum facilities like class rooms and libraries should be provided in every prison.
- (ii) Education of illiterate young offenders and adult prisoners shall be compulsory. Correctional Services will pay special attention to educational programs.
- (iii) Because of wide variations in intelligence level and individual interests of inmates, it is essential to organize diverse educational programs to suit the needs of the larger groups.
- (iv) Educational programs should cover subjects which would help develop the inmate as affective members of social groups. The programs should also help develop insight on the part of the inmates.
- (v) The nature of the educational programs in an institution should be related to the size and type of the inmate population and the time earmarked for these programs. Educational activities should be developed in conjunction with the overall programme of an institution.
- (vi) As far as practicable, the education of prisoners shall be integrated with the existing educational system so that after their release they may continue their education without difficulty. These programs should be related to after-care programs also.
- (vii) The education policy should be formulated in a manner which is adjustable to social environment, leading to ultimate resettlement of a prisoner in the society. Education should be organized at three levels:
  - (a) For the illiterate inmates,
  - (b) For the intermediates,
  - (c) For advanced education.
- (viii) Educational personnel should be oriented, through special training courses, to implement correctional policies, programs and methods as far as practicable.
- (ix) Use of technology while imparting education including online classes wherever feasible.
- (x) Non-Governmental Organizations should be extensively involved in the educational programs.

### 13.04 Nature of an Educational Programme

The educational programme should consist of:

- (i) Physical fitness education and training including health/hygiene education;
- (ii) Academic education;
- (iii) Social education;
- (iv) Vocational education;
- (v) Moral and spiritual education;
- (vi) Cultural education;

- (vii) Computer education;
- (viii) Legal education/awareness.

### **13.05 Educational Policy for Inmates**

On admission to the prison, the criteria for initial classification of prisoners should be done on the basis of their educational background, their aptitude to follow further studies, their social background and vocational education.

The policy behind academic education should aim at:

- (i) Making every illiterate prisoner literate;
- (ii) Developing educational qualifications of prisoners.

If a prisoner, who was pursuing studies before his imprisonment, expresses his intention to continue his studies and appear for an examination of any Board/University or institution, he should be given due facilities for it. He should be allowed to receive books and writing material from his friends and relatives from outside and purchase books and such materials out of his personal cash kept in the custody of the prison, or at government expense. Such facilities should also be extended to a prisoner who has given up his studies before his imprisonment, but expresses his intention to proceed with it with a view to appear in an examination conducted by any university or other statutory body or a recognized institution.

### **13.06 Classification of Prisoners**

Prisoners should be classified on the basis of their academic/educational Qualifications and their aptitude for further learning at the time of admission in the prison. It should be made compulsory for each prisoner to sit in educational classes, arranged as per their qualification, for at least two hours in the day, preferably in the morning hours, but on voluntary basis.

The classification committee and educational personnel should together decide the amount of time to be devoted for academic education, vocational education and work for each inmate. As there will be variations in the educational level, intelligence and interests, diverse educational programs should be organized for different groups of inmates.

### **13.07 Help of educated prisoners**

The help of educated prisoners should be liberally obtained for carrying out educational programs, in addition to the help taken from regularly employed teachers, and utilizing similar facilities offered by N.G.Os.

### **13.08 Language Classes**

Language classes should be encouraged. These classes could be run by the educated prisoners, regular teachers and NGOs. This will help the prison administration harmonize relations between prisoners of different cultures and communities and would improve discipline in the prison.

Keeping in view the special needs of prisoners, a booklet should be prepared which would enlist various educational programs being carried out in the prison.

### **13.09 Schools for Young offenders**

Every prison should have a regular school where young offenders can attend regular classes in shifts. This school could be a branch of any government school being run by the Education Department, with the Education Department providing teachers, equipment and material for teaching young offenders. The school should provide education for primary, secondary and senior secondary levels. It should be mandatory for each young offender to attend classes. The staff posted in the prison should be paid special incentive for maintaining prisoners' interest in attending school.



The prisoners who pass various examinations should be given certificates as are given to students studying in regular schools. Care should be taken to ensure that there is no mention of the young offender's imprisonment on such certificates.

### **13.10 Education for Short Term Prisoners**

For under-trial prisoners, and prisoners sentenced to short term imprisonment, educational classes could be organized in the yards/enclosures where such prisoners are kept. This would facilitate better organization of regular classes for prisoners who are required to undertake educational programs on a short-, medium- or long-term basis.

### **13.11 Personnel and Equipment**

Following personnel and equipment for the educational programme for prisoners should be provided:

- a. Teachers should be provided for running and guiding the adult educational programs in prisons. Teachers from the Education Department could be posted to the prison on transfer/deputation basis. Inmates, who are educated and whose conduct has been good, should be given training in imparting education to others. These trained inmates should assist the regular teachers in organizing diversified educational programs. The services of retired teachers or NGOs. could also be obtained in running the educational programs.
- b. Necessary equipment for education like books, stationery, writing material, furniture, etc., should be provided at government cost. In each prison, a building should be earmarked/constructed as a school for carrying out educational activities. Buildings and areas for educational programs should be earmarked in accordance with the minimum standards as fixed by the Education Department for similar purposes.
- c. Study/examination centres of National Open School/Indira Gandhi National Open University should be established in every Central/ District Prison. The strength of educational personnel should be fixed in accordance with the inmate population and the educational programs to be organized.
- d. The educated prisoners, who help the prison administration in conducting educational programs, should be given wages/ honorarium by the Prison Authorities. Resource Persons (individuals) from outside should also be paid honorarium suitably.
- e. Audio-visual equipment should be used for educational purposes.
- f. The lodging arrangement of prisoners can also be done as per their educational requirements so that suitable environment is created in the barrack/cell to enable them to carry out the assignments given to them by their teachers.

### **13.12 Curriculum**

Curriculum should be drawn up in accordance with the New Education Policy 2020 and needs of each inmate group. It should be in line with the educational programs conducted in other educational institutions. It should be planned in such a way as to synchronize with the length of sentence of the inmates. Educational schedules and time tables should be drawn to fit the total programme of the prison.

### **13.13 Tests and Examinations**

Following concessions shall be given to prisoners for pursuing their higher education: —

- (i) At the end of each educational project, inmates should be given tests and examinations. These tests/examinations should be conducted inside the prison by the Education Department/National Open School/Indira Gandhi National Open University.
- (ii) No fees, including examination fee, should be charged from students appearing in various examinations. Cases of brilliant students should be recommended to Education Department and other agencies for grant of scholarship.

#### **13.14 Liaison**

The institution should establish liaison with the Department of Education/NOS/IGNOU and other approved educational institutions for obtaining educational material and other help.

Prisoners enrolled or undergoing education in any of the Institution before their arrest/detention, shall be encouraged to continue their education in the Prison and Prison authorities shall make arrangements for their studies and facilitate the establishment of examination centre within the Prison premises by liaising with concerned Institution/Board/University

#### **13.15 Library**

Following facilities in the prison library should be provided:

- (i) Books in the library should cater to the needs of different educational standards, satisfaction of intellectual needs, and development of knowledge of the inmates.
- (ii) The prison library shall be properly equipped with books, magazines, and newspapers. These shall be issued to the prisoners. Prisoners should be encouraged to develop reading habits.
- (iii) A librarian should be employed for the management of books and other reading material. Help of educated prisoners could also be obtained, under the supervision of the librarian, to run the library. The librarian shall arrange for and make available books on various subjects for satisfying the needs of prisoners. The librarian should keep details of books and periodicals available in the library subject/title wise for use by prisoners and for the information of the Jail Superintendent.
- (iv) Donation of books by NGOs. Should be encouraged and welcomed. Public and government schools should be encouraged to adopt the educational programs being run inside the prison for prisoners.
- (v) A digitalized library with e-learning materials may also be provided, to the extent possible.

#### **13.16 Social, Moral, Cultural and Spiritual Education**

Meditational therapy should be used for holistic healing.

#### **13.17 Prison Publication**

There should be a monthly/quarterly publication for the inmates in select institutions for information dissemination.

#### **13.18 Accountability**

It should be one of the primary responsibilities of the Correctional Services of the Prison under the supervision of Jail Superintendent and other prison personnel that the programme of education is implemented in its proper spirit. The success or failure of the programme, and the extent of the educational activities in each institution, should be one of the principal factors on which the performance of these officers should be evaluated.

Note. —A separate proposal shall be mounted with the Administration for fulfilment of the requirements as envisaged in this chapter.

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## **CHAPTER XIV**

### **VOCATIONAL TRAINING AND SKILL DEVELOPMENT PROGRAMS**

#### Objectives of Skill Development Programs and Vocational Training

**14.01 Vocational training and skill development programs should be treated as essential features of prison correctional programs. The objectives of such programs shall be:**

- (i) Imparting discipline and work culture among inmates.
- (ii) Developing right attitudes towards work and dignity of labour.
- (iii) Promoting: -
  - (a) physical and mental well-being of inmates;
  - (b) proper development of mind through intelligent manual labour;
  - (c) spirit of fellowship and a cooperative way of living; and
  - (d) a sense of group adjustment.
- (iv) Developing the capacity for sustained hard work.
- (v) Building habits of concentration, steadiness, regularity and exactness in work.
- (vi) Imparting and improving work-skills.
- (vii) Awakenning the self-confidence and self-reliance of inmates.
- (viii) Training and preparing inmates for achieving lasting social re-adjustment and rehabilitation.
- (ix) Imparting an occupational status and thus creating a sense of economic security among inmates.
- (x) Keeping inmates usefully employed in meaningful and productive work.
- (xi) Preventing idleness, indiscipline and disorder amongst them.
- (xii) Maintaining a good level of morale amongst them and thus promoting a sense of self, as well as institutional discipline among them.

#### **14.02 Policy of the Administration**

The employment and production policy in prison should be designed to cater to the needs of prisoners coming from both rural and urban areas. The emphasis should be on the kinds of skills and jobs that would ensure employment or self-employment once the inmate is released from Prison.

The Prisons Department shall tie-up to introduce Pradhan Mantri Kaushal Vikas Yojna in all prisons and shall explore meaningful vocational trades both under short term training and special projects that will have scope for easy placement after release.

The “Board of Skill Development Program and Vocational Training” or similar set up, under the overall stewardship of HoPD, should be set up at the Prison Headquarters and vested with required fiscal and administrative powers.

The function of the board should be to: -

- (i) plan and implement programs of skill development & vocational training;
- (ii) arrange funds required to run such programs;
- (iii) fix a policy of production,
- (iv) examine the economic aspects of the skill development programs;

- (v) put prison skill development programs on a sound commercial footing;
- (vi) ensure coordination at all levels;
- (vii) evaluate the performance of the skill development programme each institution;
- (viii) introduce practices and procedures of modern management of production;
- (ix) guide, supervise, direct and control all matters relating to institutional skill development programs and vocational training;
- (x) organize workshops in after-care homes for discharged prisoners; and
- (xi) promote marketing of prison products;
- (xii) In consultation with the Ministry of Skill Development and Entrepreneurship, the Government of India may identify certain trades as suitable for the inmates to be trained in so that once they are released, they may be gainfully employed;
- (xiii) To workout appropriate strategy to counter spread of radicalization and undertake de-radicalization programs in Prisons;

Government departments, semi-government departments, cooperatives and public undertakings need to purchase articles produced in prison industries as per requirements from the Department of Prisons and Correctional Services.

A policy shall be framed for the employment of carefully selected prisoners in public undertakings, co-operative farms and agro-based industries organized in the cooperative sector when they are released from prison.

### **14.03 Vocational Training**

Vocational training programs, in self-employing trades and occupations, should be organized in every central and district prison for employable convicts:

- (i) Such programs should be open to under-trial prisoners who volunteer to undergo such training after testing their vocational ability.
- (ii) Wherever possible in larger prisons, an Industrial Training Institute should be established and where it is not possible to establish one, the help of local Industrial Training Institutes could be obtained in training the prisoners.
- (iii) The prison should have adequate staff for efficient organization of various training projects. It should be properly equipped with training aids and classrooms for conducting multifarious projects to suit the training needs of its inmates.
- (iv) The prison should have a properly defined organization for training projects in terms of formation of homogeneous groups and setting down routine and time schedule of projects.
- (v) The cost incurred in the training projects, expenditure on staff, equipment and material, should be treated as essential investment for the purpose of training and resettlement of offenders.

- (vi) Special emphasis should be given to vocational training of young offenders, young adult offenders, and others who may derive benefit from the training projects.

Qualified technical personnel should be appointed in adequate numbers in every production unit and for every programme of vocational training. Such personnel could be posted in the prison on a transfer-cum-deputation basis from the Industrial Training Institutes.

Vocational training programs be designed to suit the needs of prisoners sentenced to short, medium- and long-term imprisonment.

Active linkages should be established with the department of Technical Education, Directorate of Industries (including Cottage Industries), Industrial Training Institutes, Polytechnics and Vocational Training Institutions as well as approved NGOs to develop vocational training programs on a practical and pragmatic basis.

Superintendent, ITI will be responsible for visiting the Prisons in his jurisdiction and examine the aptitude and need of Inmates for various training programs. Prison Department will provide financial support for purchase of equipment's & raw material while ITI shall provide Instructors for imparting training and conduct of examination/test for certification. Similarly representative of other agency (s) shall also take responsibility for sending Instructors for training of Inmates in their respective fields.

On the completion of vocational training courses, inmates are to be examined by the Department of Technical Education/Department concerned and on passing the examination they shall be awarded a regular Certificate/Diploma by that department.

As a measure of incentive, inmates demonstrating good progress in skill development programs and vocational training should be allowed to visit important undertakings and other government owned industries.

The prison industry shall be given preferential treatment in the matter of granting permission to run various industrial/production units by the Administration

The executive and supervisory personnel should be given training in modern methods of management.

Diversification of programs of vocational training should be given due priority when the Master Plan for diversification of skill development programs is designed.

#### **14.04 Employment of Prisoners**

Apart from convicts, under-trials and other categories of prisoners who volunteer to work, shall also be employed on skill development programs and be given vocational training in their enclosures. The under-trial prisoners employed in the prison industry, or agriculture, shall be given fair and equitable remuneration on the same scale as prescribed for convicts. They shall also be given labouring diet and other facilities.

No criminal prisoner sentenced to labour, or employed on labour at his own desire, or other categories of prisoners doing labour, shall, except in an emergency, and with the sanction in writing of the Superintendent, be made to labour for more than eight hours in a day.

The Medical Officer shall, from time to time, examine the prisoners while they are employed, and shall, at least once in every month, get their weights recorded in their history tickets.

When the Medical Officer is of the opinion that the health of a prisoner is suffering due to employment on any kind or class of labour, he shall not be employed on that labour but shall be placed on such other kind or class of work as the Medical Officer may consider suitable for him/her.

Prisoners sentenced to medium and long terms of imprisonment should be given training in multiple skills so that they are able to compete with the conditions in the labour market outside the prisons.

For planned employment of inmates, the following factors should be taken into consideration while organizing skill development programs: -

- i) Mental and physical health.
- ii) Requirements of security, custody and discipline.
- iii) Age.
- iv) Length of sentence.
- v) Inmates' skills and abilities and also potential for acquiring skills.
- vi) Urban and rural background of the inmate.

Prisoners sentenced to less than one year of imprisonment should be employed in prison maintenance services, gardening, work-centres and work camps and paid suitable wages for their work.

Prisoners sentenced to imprisonment for one year or more should be employed in production units in closed or open prisons.

#### **14.05 Prison Industries and Skill development Programs**

Prison industries should be organized on business-cum-commercial basis. Preference to prison products, while purchasing articles for office use, shall be given by the various government departments. Specific grant shall be earmarked for marketing, publicity and advertisement of Prison Products.

The skill development programs shall also include essential institutional maintenance services like culinary, sanitary and hygienic services, prison hospital, other prison services, repairs and maintenance services. Prisoners may also be employed in the service of maintenance and construction of prison buildings, for which they will receive adequate remuneration or wages in accordance with the rules of the Public Works Department and other executive agencies which will however be subject to statutory deductions, if any.

Prison skill development programs shall consist of services required by the community such as construction work, masonry, carpentry, plumbing, electric fitting, tailoring, fabrication of readymade garments, leather work, driving, prison servicing, agriculture, horticulture, dairy, poultry, floriculture, maintenance of diesel engines, maintenance of electric pumps, tractor repairing, automobile servicing and repairing, cane work, basket making, pottery, book binding, typing, computer-

operating, handicrafts, stenography, cloth printing, embroidery, hosiery, bakery, namkeen making, bakery, namkeen making, paper making, printing, tailoring, weaving, soapmaking, candle making, toy making, sewing machine repair, food processing, etc.

Every prisoner, on being first put to do any kind of work with which he is not acquainted, shall be allowed a reasonable time to acquire the necessary skills, to enable him to perform the task. No wages shall be paid to a prisoner during such learning-cum-training period. Mental and physical capabilities must be taken into consideration. The time will vary from a few days to three to four months. In every case, when allotting new work, the Superintendent, or subject to his control, the Factory Manager or Deputy Superintendent shall note the task the prisoners begin, and subsequent progress, in his History Ticket.

Every inmate should be given training and work experience in the use of hand tools in different services, jobs and production units. Every prisoner sentenced to undergo simple imprisonment who opts to do labour shall ordinarily be employed on hard labour of a kind that is most suitable for him and for which he/she is, for the time being, fit. No convict shall be put on medium labour if he/she is fit to perform hard labour, or on light labour as long as he is fit to perform either hard or medium labour. No consideration of profit or convenience shall be permitted to influence the class or form, of labour which any convict sentenced to undergo rigorous imprisonment is at any time required to perform. It shall be fixed with reference solely to the health of the convict and the regulations of the prison regarding the employment of prisoners. A standard list of equipment's, tools, accessories and spare parts, which each production unit must always have, should be prepared and maintained. In every institution there should be a separate and properly organized maintenance workshop to repair the machinery and equipment in time and to prevent breakdown. Products manufactured by Prison Industries should be varied/changed depending on market trends and demands. The organization of accounts and inventory should be modernized on business lines.

#### **14.06 Standardisation of Products**

Various products of prison industries should be standardized. A handbook containing details of standardization, and then a manufacturing process of various production units, should be prepared for the guidance of personnel. Catalogues of standardized products of prison industries should be prepared for securing orders from the market for various production units. Technical supervision should be improved and a system of quality control introduced at every stage of production, so that market competitiveness can be maintained. The percentage of profit should not be the motive behind production by prison industries. Costing of prison products should be done on a rational basis taking into account various limitations and handicaps of prison Showrooms should be opened outside the prison gates, and at other places, for promoting sale of products of prison industry. A brochure should also be kept in which information is provided to the public about the products being sold along with their rates. Prisoners who have been discharged and are found suitable shall be employed in show rooms and prison product outlets, as far as possible.

#### **14.07 Targets of Production for Prison Industries**

The targets of production for each unit for the ensuing year should be fixed in accordance with the employable inmate population and production potential of the unit. These targets should be communicated to the respective institutions in advance. The unit's production, according to the target, should be reviewed on a monthly basis. It should be the responsibility of the Jail Superintendent to meet the targets of production as set above. The task sheet of each prisoner should be correctly maintained by the technical personnel-in charge of the production units.

#### **14.08 Wages**

Convicted/ under trial prisoners employed on labour are entitled for wages. Wages shall be fair and equitable and not merely nominal and paltry. In case of private agencies hiring the services of Prisoners, Wages shall be paid at par as being paid by the agency to its workers.

A portion of wages payable to the convicts/under trial shall be deducted towards his general maintenance in prison (including diet, clothing and bedding) and other deduction(s) like Victim Compensation etc. in accordance with rules which shall be framed by the administration separately. The wages shall be deposited in the prisoner's saving bank account on a fixed date every month and the passbook shall be kept with prisoner concerned.

#### **14.09 Safeguards for Prisoners Engaged in Work**

The following facilities shall be provided in work-sheds and other places where prisoners work: -

- i) Protection from heat, cold, rain, dust, smoke, fumes, gases and chemicals.
- ii) Protection from seepage and dampness.
- iii) Safe drinking water.
- iv) Spittoons, urinals and latrines.
- v) Washing and bathing facilities.
- vi) First-aid facilities.
- vii) Fire extinguisher and other firefighting equipment.
- viii) Sufficient ventilation and lighting.
- ix) Safety equipment and accident prevention measures.

Note. -The standards adopted in outside factories in this respect should be adopted in prison factories. These should be fixed in consultation with the Inspector of Factories. Periodical medical examination of prisoners, working in production units having hazards of occupational diseases, should be carried out. Payment of compensation to prisoners who meet with accidents resulting in physical or mental disability, serious injury, death, or loss of health due to occupational diseases, as certified by the Sr. Medical Officer. Hours of work for each group of prisoners should be prescribed in accordance with the programme content of each institution, but total hours of work should not exceed eight hours in a day.



A daily time schedule should be worked out for each institution. Prisoners may not be allowed to work in the production unit after the locking time unless absolutely necessary.

And prisoners shall be paid on task basis in such circumstances.

#### **14.10 Tasks to be imposed on Female Prisoners and Young Offenders**

The tasks to be imposed on females or young offenders respectively shall not in any case exceed two thirds of the maximum task for hard and medium labour, prescribed in respect of adult male convicts.

#### **14.11 Female Prisoners not to Work outside Female Enclosures**

Female prisoners may be deployed to work in open prisons exclusively established for women prisoners subject to the condition that adequate security measures are taken and no male staff is deployed.

#### **14.12 No Prisoner to be Employed for Private Work**

No prisoner shall, at any time, be employed by any officer of the prison, or any other person, for any private work or service of any kind what so ever.

#### **14.13 Execution of Work for Outside Agencies**

Private parties/industrial units can be allowed to approach prisons to get their manufacturing work done by prison labour inside the prisons, if capacity and knowhow for such manufacture is available. It should be sure that approx wages and other expenses are paid by such private parties and industrial units.

#### **14.14 Yearly Audit of the Accounts**

The accounts of the production/work unit will be systematically audited by the government auditors for each financial year.

#### **14.15 Agriculture**

Following infrastructural facilities in terms of agriculture should be made available to the prisoners:-

- (i) Agriculture, agro-based industries and other allied activities should be given high priority in the planned development of skill development programs and vocational training in correctional institutions.
- (ii) The land available with an institution should be thoroughly surveyed in terms of soil analysis, availability, fertility, salinity, and requirement of drainage, so that it is put to optimum use. The help of Block Development Officers, officers of the Agriculture Department and other allied agencies should be taken in this regard.
- (iii) Each new prison building in rural areas should have a properly fenced farm wherever land for this purpose is available.
- (iv) It should be ensured that proper irrigation facilities are available at the farmland.
- (v) The required building structure should be constructed on each farm and internal roads should be laid.
- (vi) All required farming equipment and spare parts should be made available at each farm. A maintenance shop should also be set up in large farms.

- (vii) Prisoners detailed for labour at agricultural farms should be distributed at various places in the farm by forming groups, with a leader nominated for each group.
- (viii) Guidelines should be issued by the Prison Headquarters stating the eligibility criteria of an inmate who may be deployed on open agricultural farms.
- (ix) The subsidy available to the farmers for purchasing fertilizer, equipment and electricity should also be made available to prison farms.
- (x) Adequate funds should be provided for the development of agriculture and allied activities and its accounts should be maintained separately.
- (xi) Requisite security personnel should be provided at each agricultural unit and their duties and responsibilities should be clearly laid down.
- (xii) The farm products should be first consumed in the prison and the remaining should be sold to the government department and in the open market.
- (xiii) The efficiency of each unit should be evaluated annually in terms of the targets fixed and achieved.
- (xiv) The number of prisoners employed in farming activities in closed prisons shall be decided by the Prison authorities as per the requirement.
- (xv) Prison personnel should be imparted training in various aspects of agricultural and allied activities.
- (xvi) Bio-gas plants, windmills, solar-cooking ranges, etc., should be introduced in the prison farms.
- (xvii) Costing of agricultural and other produce should be done on strict commercial basis.
- (xviii) Open agricultural institutions, and institutions having attached agricultural farms, should diversify skill development programs according to cropping schemes such as mixed farming, irrigated crops, dry farming, etc. In some open prisons work can be diversified into agricultural activity, industrial units and agro based production units.
- (xix) Measures shall be taken to develop horticulture, floriculture and cultivation of medicinal plants and similar activities wherever feasible.

#### **14.16 Dairy and Poultry Farms**

Dairies shall be developed on open prison farms on commercial lines under proper technical guidance and shall not be operated from closed prisons. Poultry farms shall also be organized at open farms. These should be run on commercial lines under proper technical supervision.

Note. —Formal proposals for the achievement of the objectives mentioned in the chapter shall be prepared and submitted to the Administration in a phased manner.

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## **CHAPTER XV**

### **LEGAL AID**

#### **15.01 Constitution of Legal Services Authorities**

Article 39A of the Constitution of India provides for free legal aid to the poor and weaker sections of the society and ensures justice for all. Articles 14 and 22(1) of the Constitution also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on the basis of equal opportunity to all. In furtherance of these, the Legal Services Authorities Act was enacted by the Parliament in 1987 to establish a nationwide uniform network for providing free and competent legal services to the weaker sections of the society on the basis of equal opportunity.

Under the Act, the National Legal Services Authority (NALSA) has been constituted under the Legal Services Authorities Act, 1987 (LSA Act) to monitor and evaluate implementation.

Supreme Court Legal Services Committee has been constituted to administer and implement the legal services programme in so far as it relates to the Supreme Court of India.

The Chief Justice of India is the Patron-in Chief of NALSA and the senior-most Judge of the Supreme Court is the Executive Chairman. The Central Government in consultation with Chief Justice of India has also appointed an officer of the Higher Judicial Services as the Member Secretary of the NALSA.

Legal Service Authorities Act, 1987 provides for the constitution of High Court Legal Service Authority, District Legal Service Authority and Tehsil Legal Services Committees along with their functions and procedure.

At the District level, District Judge is the Chairman of District Legal Services Authority and Chief Judicial Magistrate or equivalent judicial officer is the Secretary of District Legal Services Authority.

#### **15.02 Functioning of Legal Services Institutions**

NALSA lays down policies, principles, guidelines and frames effective and economical schemes for the State Legal Services Authorities to implement throughout the Country. The UT/State Legal Services Authorities, District Legal Services Authorities, Tehsil Legal Services Committees, etc. have been entrusted the following primary functions: -

- (i) To provide free and competent legal services to the eligible persons;
- (ii) To organize Lok Adalat's for amicable settlement of disputes;
- (iii) To organize legal awareness camps; and
- (iv) To implement the Schemes and policy directions of the NALSA through strategic and preventive Legal Services Programs.

#### **15.03 Free legal services would include:**

- (a) Payment of court fee in appropriate cases, process fees and all other charges payable or incurred in connection with any legal proceedings;
- (b) Providing service of lawyers in legal proceedings;
- (c) Obtaining and supply of certified copies of orders and other documents in legal proceedings;
- (d) Preparation of appeal, paper book including printing and translation of documents in legal proceedings.

**15.04 Under the LSA Act, the persons eligible for getting free legal services include:**

- Women and children;
- Members of SC/ST;
- Industrial workmen;
- Victims of mass disaster, violence, flood, drought, earthquake, industrial disaster;
- Disabled persons;
- Persons in custody;
- Persons whose annual income does not exceed Rs. 1 lakh (in the Supreme Court Legal Services Committee the limit is Rs.1,25,000/-);
- Victims of trafficking in human beings or beggar;
- Trans-genders.

The following practices shall be adopted so as to ensure provision of free and competent legal services to persons in custody.

**15.05 Appointment of Jail Visiting Advocates**

To adopt the practice of nominating Jail Visiting Advocates to visit different prisons regularly on fixed working days of the week to help the poor and unrepresented inmates. Any inmate should be able to seek aid and advice, file any bail/parole application, appeal(s) etc. through these advocates.

**15.06 Legal Aid Clinic in every prison**

Legal services clinic has been set up in every prison of the UT, with sufficient number of panel lawyers and para legal volunteers deputed to such clinics for providing free legal services to inmates on all working days. It may train certain inmates as para legal volunteers (PLVs) for assisting the Legal Aid Clinics established at prisons, who will be paid honorarium by the Legal Service Authority under rules. A list of panels of Advocates for legal aid, must remain available with Jail Superintendent.

**15.07 Legal literacy classes in prisons**

Legal literacy classes may be conducted in prisons in order to educate prisoners about their rights and duties as well as about the availability of free legal aid services. Services of law students, Para Legal Volunteers and Legal Aid Lawyers could be taken to ascertain legal aid needs of inmates.

**15.08 Constitution of Under-trial Review Committee**

A committee consisting of the District Judge, as Chairperson, the District Magistrate, the District Superintendent of Police and Secretary, District Legal Service Authority as members have been constituted to identify under-trial prisoners who have completed half of the maximum period or maximum period of imprisonment provided for the said offence under the law. Jail Superintendent has been suggested to be added as an additional member in the UTRC.

**15.09 Maximum period for which under-trials can be detained**

Under-trial prisoners who have undergone detention in prison for a period extending up to half of the maximum sentence specified for that offence under law (except offences attracting death sentence and life imprisonment), shall be released on their personal bond, with or without sureties. In other words, it means pending investigation, inquiry or trial, no person shall be detained in the prison for a period more than half of the prescribed maximum sentence under that offence. However, courts, for special reasons to be recorded in writing, may extend the detention in prison or release on bail instead of personal bond with or without sureties.

The Legal Services Authorities should instruct the panel lawyers to urgently meet such prisoners, discuss their cases with them and move appropriate applications before the appropriate court for their release unless they are required in custody for some other purpose.

#### **15.10 Cases which are compoundable in nature**

The Legal Services Authorities should secure that for offences which are compoundable, appropriate steps are taken for compounding, and where the offences cannot be compounded, efforts should be made to expedite the disposal of those cases or at least efforts made to have the persons in custody released there from at the earliest.

#### **15.11 Right to free legal representation or legal aid**

Article 22 (1) of the Constitution entitles arrested persons to be represented by a legal practitioner. It is the fundamental right of all prisoners/arrested person to be provided with free legal aid in the prosecution of their case at different levels of their trial. The Magistrate is duty bound to offer the facility to the accused the moment she is produced before him or her for the first time even if the accused has not asked for it out of ignorance.

Even if the accused does not ask for a lawyer or he remains silent, it is the Constitutional duty of the court to provide him with a lawyer before commencing the trial. The obligation to provide him with a lawyer at the commencement of trial is absolute and failure to do so would vitiate the trial and resultant conviction and sentence, if any given to the accused.

To ensure that arrested persons have free legal representation, panel lawyers have been deputed as remand/duty advocate in every court dealing with criminal cases. Such advocates are available in the court even on holidays. When an accused is produced before the court and does not get a legal counsel, the court shall provide the counsel free of cost.

The Superintendent should inform convicts of their right of appeal against conviction.

#### **15.12 Standing Operating Procedure (SOP) for UTRCs**

National Legal Service Authority has come out with detail standing operating procedure for Under trial Review Committees which the Apex Court has desired to follow. The SOP forms Appendix- 15 of this Manual.

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## **CHAPTER XVI**

### **WELFARE OF PRISONERS**

#### **16.01 Basic Elements of Welfare Programs:**

##### **The objectives of welfare Programs in prisons should be to**

- (i) Develop a relaxed, positive and constructive atmosphere in the institution;
- (ii) Ensure good personnel-inmate relationship based on mutual trust and confidence;
- (iii) Ensure care and welfare of inmates;
- (iv) Ensure firm and positive discipline;
- (v) Attend to immediate and urgent needs and problems of inmates;
- (vi) Attending to long term needs of prisoners;
- (vii) Help the inmates maintain regular contact with their families, and communities in the outside world;
- (viii) Ensure a good system of incentives for self-discipline such as remission, leave transfer to semi-open and open institutions, and premature release;
- (ix) Provide individual guidance and counselling;
- (x) Encourage group activities, group guidance, group work;
- (xi) Implant proper habits, attitudes and approaches and prepare them for a normal social life,
- (xii) Provide supportive therapy including Psychotherapy.

The starting point of all welfare programs shall be the initial classification of the prisoner and the study of individual inmates. The welfare programme should include periodical review of progress and re-classification of prisoners, review of sentence and pre-mature release, planning for release, pre-release preparation and after-care. Positive influence of institutional personnel will play an important role in this process. Community participation will be an important feature of welfare programs.

#### **16.02 Counselling**

Counselling facilities should be extended to the prisoners as follows: -

- (i) The mental health status of a prisoner should be studied before his classification at the time of admission in the prison. Prisoners certified as mentally ill should not be confined in prisons and instead appropriate measures should be taken for their transfer to special institutions.
- (ii) Professionally qualified counsellors should be engaged by the prison department to provide counselling to the needy prisoners, particularly those suffering from substance related addictive disorders and victims of abuse.
- (iii) Proper and regular evaluation of prisoner's mental health should be done to enable the requisite psycho social support services by the prison department.
- (iv) Severe mental disorders would require appropriate psychiatric treatment and dealt under the provisions of the Mental Health Care Act, 2016.

In Re: Illegal Detention of Machan Lalang (W. P. No. 296 of 2005), the Supreme Court issued the following directions to avoid mentally ill persons languishing in psychiatric hospitals for long periods:

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- Whenever a person of unsound mind is ordered to be detained in any psychiatric hospital/nursing home under Section 330(2) of the Cr. P. C. the periodic progress reports as contemplated in the Mental Health Care Act shall be submitted to the concerned Court/Magistrate to ascertain the mental condition of the accused and pass appropriate orders wherever necessary.
- Wherever any under trial prisoner is in prison for more than the maximum period of imprisonment prescribed for the offence for which he is charged (other than those charged for offences for which life imprisonment or death is the punishment), the Magistrate/Court shall treat the case as closed and report the matter to the Medical Officer in-charge of the psychiatric hospital, so that the Medical Officer in-charge of the hospital can consider his discharge as per the Mental Health Act.
- In cases where, the under-trial prisoners (who are not being charged with offence for which the punishment is imprisonment for life-or-death penalty), their cases may be considered for release on bail in accordance with sub- section (1) of section 330 of the Cr P C, if they have completed five or more years as in patients. As regards the under-trial prisoners who have been charged with grave offences for which life imprisonment or death penalty is the punishment, such persons shall be subjected to examination periodically so as to ascertain whether the under-trial prisoner is fit enough to face the trial to defend the charge. The Sessions Judge shall commence the trial of such cases as soon as it is found that such mentally ill person has been found fit to face trial

### **16.03 Psychotherapy**

Psychotherapy and cognitive behaviour therapies may also be used in prisons as they have been recognized as effective for the treatment of prisoners suffering from mental disorders.

### **16.04 Guidance**

Pamphlets containing the rights, duties, entitlement, discipline and daily routine of a prisoner (including a hand book on Rights and Duties as provided in Appendix-1) should be printed and distributed so that a prisoner may follow the ‘dos’ and ‘don’ts’ and maintain discipline during his confinement. The above literature should also be kept in the prison library and issued to prisoners who can read.

Illiterate prisoners should be made to understand the contents of the literature by the prison staff themselves or with the help of other literate prisoners engaged for educational programs.

### **16.05 Recreation, Sports, Cultural Activities, Films, Library**

Cultural and recreational activities should be organized in all institutions for maintaining the mental and physical health of prisoners. These activities are the basic elements of rehabilitation programs for prisoners. These should form the integral part of an institutional regime.

Recreational and cultural activities should be organized depending upon various conditions such as availability of space, the climate and weather, composition of inmates and arrangements for security. Such activities can include:

1. Outdoor games like cricket, kabaddi, wrestling, volley ball, badminton, football and basket-ball.
2. Gymnastics.
3. Indoor games like chess, ludo and carom.

4. Film Shows: Historical, patriotic, biographical, scientific and educational films, travelogues, documentaries, newsreel, and films dealing with social themes should be shown. Films depicting crime, sex, violence, suspense, and such other subjects that may have a damaging effect on the minds of inmates should not be shown to them.
5. Each Central and District prison should have facilities for showing films to the prisoners/inmates. A library of good films should be developed at the headquarters of Prisons and these films should be circulated to various institutions. Close liaison should be established between the Department of Prisons and Correctional Services and the Films Division, Department of Information and Broadcasting, Film and T.V. Institutions, Film Societies and other organizations which can supply good films for the inmates.
6. Music: Music has a special significance in the confined atmosphere of a prison. It can bring relief to lonely, distressed and unhappy inmates. It can relieve boredom and promote interest in institutional programs. Music programs could consist of radio music, recorded music, group singing, folk music, instrumental music and orchestra.
7. Community and folk dances: Group and Folk dances could be performed on festivals and social occasions. Grant of wider recreational facilities outside prison for selective category of prisoners with good behaviour and least security risk may also be initiated and organized on such occasions for public awareness and in the interest of prison administration and prisoner in particular.
8. Drama: Useful social values and models of behaviour can be presented before the inmates through dramatic performances. Dramas dealing with social problems, pageants, musical dramas, tableau, soliloquies, dialogues, radio plays and humorous skits could be performed for the benefit of inmates. Inmates themselves can be encouraged to take part, and organize these activities.
9. Arts and crafts: Arts and crafts can play an important role in imparting useful values to prisoners. The prisoners can maintain their individuality through these activities. Such activities can also serve as supportive therapeutic measures in the monotonous life of a prison.
10. Handicrafts and art work: Prisoners can be provided with necessary facilities for pottery, basket making, wood carving, carpentry, marquetry and veneers, wood turning, fret-work, leather-work, home decoration, lampshade making, metal craft, plastics, toy-making, artificial flower making, horn-craft, clay-modelling, lacquer-work, drawing, painting, stencilling, paper-craft, papier -Mache, rug making, felt-work, knitting, embroidery, needle-work, crochet, etc.
11. Reading: Inmates can be encouraged to read books, newspapers and magazines. Group reading and guided reading can also be useful for them.
12. Television: This is the biggest entertainer for prisoners. The channels to be shown, and their timings, should be carefully selected by the Jail Superintendent.

Every prison and allied institution should have annual sports/cultural meet. Inter-Institution and Inter-State sports meets of inmates should also be organized. The sports groups from outside could be invited into the prison for playing various games with the prisoners. Meditation should be practiced daily for which the hours should be fixed. Meditation centres may be opened and NGO support may be availed for this purpose. It should be ensured that discourses during meditation sessions are secular in nature. Well known personalities in the fields of art, sports, literature, culture and music should be invited to the prison as guests on various occasions to inspire the prisoners and be role-models for them. There shall be a playground for outdoor games and a community hall for cultural programs in every prison. All the recreational and sports activities being performed shall in no way effect the conductive atmosphere of the Institution. Therefore, all such activities should be carried out in the spirit of well-being of the inmates and thus shall not be allowed to run during night hours i.e., beyond 10:00 P.M. Unnecessary gathering and any kind of sloganeering on pretext of religious activity etc should be strictly discouraged to promote calm and peace.

#### **16.06 Role of N.G.Os.**



Approved N.G.O. should be extensively involved in organizing sports and cultural meets and other welfare activities. (Appendix-20)

Care shall be exercised in the selection of welfare agencies/N.G.Os. for carrying out welfare programs. Approved N.G. Os, welfare agencies which have a proven track record, and which are known for their dedication and selfless service, should be selected for associating in prison program.

No member of a Welfare agency/N.G.O. shall be associated with a prison if he/she has a criminal record. For this purpose, an undertaking may be obtained from the Agency/N. G. O.

The good work done by welfare organizations and N.G.O. in prisons should be publicly appreciated. Every Prison activity which has a positive impact on the Prisoner and public as a whole should be publicised through electronic and print media with the approval of the Prisons Headquarters.

#### **16.07 Prisoners' Panchayat**

Every prison and allied institution shall have prisoners' panchayats. These panchayats should consist of very carefully selected inmates, who are of good conduct and who have the potential and ability to organize events and activities. These panchayats should plan and execute daily recreational programs for inmates. This will give the prisoners a sense of participation in the prison management, which is an important component of any policy of welfare and reformation. These panchayats should also be used for giving the prisoners an opportunity to express their problems and seek redressal.

The working of these panchayats shall be continuously monitored by the prison administration. The Superintendent or Deputy Superintendent of Jail shall as far as possible should personally participate in the panchayat meetings.

A 'purpose,' of all the panchayats should be held in the presence of the Superintendent at least once in a quarter for the redressal of prisoners' grievances and implementation of their suggestions. The HoPD should also participate in such purpose, in different Prisons from time to time.

#### **16.08 Celebration of Festivals**

Independence Day and Republic Day shall be celebrated in each prison to inculcate a feeling of the patriotism among the prisoners. Cultural programs be also organized on the occasions. The main festivals of all religions shall also be celebrated. In these, every prisoner should be encouraged to participate and special food (Bara Khana) shall be served to the prisoners on all such festivals. Any special treatment to a group of prisoners belonging to a particular caste or religion is strictly prohibited.

- 1) Republic Day
- 2) Mahabharat
- 3) Shab-I-Miraj
- 4) Shab-e-Qadr
- 5) Idd-UI-Fiter
- 6) Independence Day
- 7) Idd-UI-Zuha
- 8) Losar
- 9) Dusshra
- 10) Diwali
- 11) Eid Milad-ul-Nabi
- 12) Guru Nanak's Birthday
- 13) Christmas
- 14) Buddha Purnima

#### **16.09 Spiritual Development**

Well known personalities from all religions should be invited to deliver lectures to prisoners for their moral upliftment. Assistance from approved N.G. Os and welfare agencies may be sought in this regard. It should be ensured beforehand that the content and tenor of such lectures is not such as would cause resentment among people of other religions. Every prisoner should be allowed to perform his devotions in a quiet and orderly manner.

#### **16.10 Implementation of Welfare Activities**

The Superintendent shall be responsible for the smooth and orderly implementation of welfare activities in the prison.

The Superintendent shall submit quarterly reports of welfare activities being conducted in his prison to the HoPD.

Prison administration shall endeavour to access funds available under Corporate Social Responsibility for conducting various welfare activities for inmates and prison staff.

#### **16.11 Management of Prisoners' Property**

The Superintendent Jail shall keep or cause to be kept a record of money and other articles taken from the prisoners.

[See Section 12(5) of Prisons Act, 1894]

#### **16.12 List of property to be attached to warrant**

- (I) A list of all money, clothing or other property removed from each convict on admission to Jail, shall be attached in each case in the prisoner's warrant.
- (II) The property of civil prisoners shall be entered in the civil prisoner's Admission Register.
- (III) Every prisoner shall, as soon as possible after his first admission to Jail, have read over to him, in the presence of the Superintendent, a list of all property of whatever description which was removed from the person of or received with such prisoner at the time of his admission.
- (IV) Such articles as are, in the opinion of the Superintendent, of a perishable nature or are likely to deteriorate by keeping, or to involve expenditure in the keeping, shall, unless, with the consent of the prisoner to whom they belong, they are made over to any relative or friend of such prisoner, be sold and the sale proceeds thereof credited to the prisoner's account and a note to that effect made in the list of the property of such prisoner, and attested by the Superintendent.
- (V) The jewellery, trinkets, securities and other valuable (if any) of every prisoner shall be placed in a separate packet and the prisoner's register number, name and the date of sentence shall be endorsed thereon. Every such packet shall be kept in the Jail cash chest.
- (VI) Every prisoner shall be allowed to retain one pair of shoes for use in Jail. Sikh prisoners and others exempt from having their hair cut shall be allowed to retain a comb. While Muslim may keep beard as per religious requirement.
- (VII) Sikhs shall be allowed to retain thin kara (thin iron bangle). Hindus who wear sacred thread may retain it when confined in a Jail.
- (VIII) All additions, erasures or alteration to the list of any prisoner's property shall be initialled by the Superintendent or any other officer authorized not below the rank of Assistant Superintendent.

#### **16.13 Treatment of the property of prisoners**

- (I) The personal clothes of accused on conviction shall be stitched in bundles and labelled with name and date of sentence of the prisoner and arranged in the prisoners' property go down according to the month of sentence.
- (II) The cash property of the prisoners to be made over to them on release, or which for other reasons is disposed of, shall, during any month, be paid by the Deputy Superintendent from the cash property of prisoners received during the same month.
- (III) On the transfer of a prisoner from one Jail to another, all his money and other property shall be sent to the Jail to which he is transferred.
- (IV) Property tendered at a Jail on behalf of a prisoner already transferred to another Jail, shall not be accepted, but the person who tenders the property shall, if so desires, be informed of the Jail to which the prisoner has been transferred, so that he may send the property to him.
- (V) The Superintendent may, at the request or with the consent of any prisoner, at any time make over the whole or any part of the money or other property belonging to such prisoner, which may be in the keeping of the Jail Superintendent, to any person (not being a prisoner), whom such prisoner may specify. Provided that the Superintendent may withhold and retain so much of the money or other property of such prisoner as he may think necessary for the purpose of providing such prisoner with sufficient clothes and money, upon his release.
- (VI) Any prohibited article found on any prisoner, after his admission into any Jail, shall be confiscated, and all money so confiscated and all money realized from the sale of any article so confiscated, shall be credited in the public Treasury. Provided that the Superintendent may award any sum, not exceeding one-half of any money of the sale-proceeds of any property so confiscated, to any person concerned in the finding or discovery thereof.
- (VII) The money and other property of every prisoner who escapes shall be retained at the Jail from which he effected his escape for one year after the date of his escape. If the prisoner is not recaptured within that period, his money and other property (if any) shall be made over to the Police as being unclaimed property.

Note. —Same procedure be followed for property received in case of foreign prisoners as laid down for local prisoners. However, the source of such property should be known and clear; as also for letter received by them. In case of money, the same should be in local currency, or else may be refused and returned back to the source destination.

Prisoner is not recaptured within that period, his money and other property (if any) shall be made over to the Police as being unclaimed property.

Note. —Same procedure be followed for property received in case of foreign prisoners as laid down for local prisoners. However, the source of such property should be known and clear; as also for letter received by them. In case of money, the same should be in local currency, or else may be refused and returned back to the source destination.

#### **MANAGEMENT OF PRISONER'S PROPERTY**

Any property which includes cash, ornaments, clothing and other valuable constitute prisoner's property which can be used by the prisoners during his lodgement in prison. A reasonable amount of cash is allowed to a prisoner for upkeep as well as for supplementing his/her diet. For this purpose, there shall be a proper canteen in every prison to buy essential items.

#### **16.14 List of property to be read over**

- (I) Every prisoner shall, as soon as possible after his first admission to Jail, have read over to him, in the presence of the Superintendent, a list of all property of whatever description which was removed from the person of or received with such prisoner at the time of his admission.
- (II) If the prisoner acknowledges the correctness of the list, the fact that he does so; and if the prisoner makes any objection to any entry in or to the omission of any article from the list, the nature of the objection; shall be noted on the list.
- (III) If the prisoner can write, he shall be required to sign the list in token of the correctness thereof and of the objections (if any) noted thereon.
- (IV) The Deputy Superintendent/Assistant Superintendent shall attest every entry in the list by initiating the same.

Note-When such property is made over by an official receiving it to another official, the receipt of the later official will be taken in concerned registers, as the case may be and all such property shall, with the exception of clothing, be kept in charge of the Deputy Superintendent. Parcels etc received in case of Foreign Prisoners shall be checked and entered in record register before handing over to the Prisoner. However, the source of such parcels etc. should be known and clear.

#### **16.15 Property to be received**

- (I) All property received with or found on the person of a prisoner on his admission to Jail, or subsequently sent by the Magistrate on his account, shall be received by the Jail authorities.
- (II) Property tendered by the friends or relatives of any prisoner, on his behalf, either at the time of such prisoner's admission to the Jail or subsequently, may, in the discretion of the Superintendent, be either received provided it is of reasonable value and for valid purpose or be refused.

#### **16.16 Property received after admission to be entered in list**

When any property is, after the admission of any prisoner to the Jail, received by the Superintendent on his behalf, such property shall be entered in the list of property belonging to such prisoner in the manner prescribed in the case of property taken from or received with the prisoner at the time of his admission to the Jail.

#### **16.17 Clothing to be stitched in bundles and labelled**

- (I) The clothing belonging to any prisoner retained in the Prison under the provisions of the preceding paragraph, shall be first thoroughly washed and stitched into a bundle before being stored.
- (II) Every bundle shall be labelled with the number, name and date of sentence of the prisoner and arranged in the prisoners' property go down according to the month of sentence.

#### **16.18 Disposal of money, the property of prisoners**

- (I) The cash property of the prisoners to be made over to them on release, or which for other reasons is disposed of, shall, during any month, be paid by the Deputy Superintendent from the cash property of prisoners received during the same month.
- (II) Should the cash received be in excess of that disbursed, the balance shall be remitted into the Treasury at the close of the month, but if the disbursements are in excess of the receipts at any time, the difference shall be paid from the permanent advance, which shall be recouped by the withdrawal of a similar sum, when the month closes, from the prisoners' cash account in the Treasury.
- (III) The Deputy Superintendent in the cashbook shall enter the receipt and disposal of all money belonging to prisoners, and when articles belonging to prisoners have been sold,

the amount realized by the sale shall be entered on the memorandum of property attached to each prisoner's warrants, with the date of entry.

- (IV) The Superintendent shall occasionally satisfy himself that the amount of cash lodged in the Treasury to the credit of prisoners, corresponds with the amount shown in the Deputy Superintendent's cashbook, under the same head.

#### **16.19 Disposal of property on transfer of a prisoner**

On the transfer of a prisoner from one Prison to another, all his money and other property shall be sent to the Prison to which he is transferred.

#### **16.20 Disposal of clothing of certain prisoners on transfer**

The clothing of every prisoner sentenced to three years or more shall, whenever possible, be disposed of as laid down in sub-Para (IV) of the paragraph 16.13 before the prisoner is transferred to any other Prison.

#### **16.21 Property tendered for certain prisoner not to be received**

Property tendered at a Prison on behalf of a prisoner already transferred to another Jail, shall not be accepted, but the person who tenders the property shall, if so desires, be informed of the Jail to which the prisoner has been transferred, so that he may send the property to him.

#### **16.22 Property may be made over to a relative or friend**

The Superintendent may, at the request or with the consent of any prisoner, at any time make over the whole or any part of the money or other property belonging to such prisoner, which may be in the keeping of the Superintendent, to any person (not being a prisoner), whom such prisoner may specify. Provided that the Superintendent may withhold and retain so much of the money or other property of such prisoner as he may think necessary for the purpose of providing such prisoner with sufficient clothes and money, upon his release.

#### **16.23 Disposal of the property of an escaped prisoner**

The money and other property of every prisoner who escapes shall be retained at the Jail from which he effected his escape for one year after the date of his escape. If the prisoner is not recaptured within that period, his money and other property (if any) shall be made over to the Police as being unclaimed property.

#### **16.24 Property of deceased prisoners**

The money and other property of deceased prisoners shall, unless claimed by a person holding a succession certificate, probate or letters of administration entitling him to receive it, be made over to the Police as being unclaimed property.

#### **16.25 Procedure when forwarding unclaimed property**

- (I) With the property made over to the Police under the preceding paragraph, a descriptive roll of deceased prisoner and a certified copy of the record of such property shall be forwarded.
- (II) Any wish expressed by a dying prisoner as to the disposal of his property, shall be made known to the Police to whom the property is made over.
- (III) A receipt should be obtained for all unclaimed property made over to the Police.

#### **16.26 Items/Material which comes under prohibited article(s).**

Prohibited article means an article the introduction or removal of which into or out of Prison is prohibited by a rule, such as:

- Contraband and Intoxicant substances like Cocaine, alcohol, Opium, Heroin, Poppy Straw etc including unauthorised medicines.
- Concealed Cash, Jewellery and other valuables.
- Mobile Phone (Cell), Sim Card, Charger etc.
- Unauthorised Pen Drive, Memory Card etc.
- Petrol, Diesel, Wax, Kerosene Oil and another inflammable.
- Arms and Ammunition including any type of sharp-edged weapon and any explosive material.
- And any other item/Material declared by Jail Superintendent as prohibited being dangerous to the security of the inmate(s) and administration of the Institution.  
(To be dealt as per section 42 of Prisons Act.)

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## **CHAPTER XVII**

### **PAROLE AND FURLOUGH**

Parole and furlough to inmates are progressive measures of correctional services. The release of a prisoner on parole not only saves him from the evils of incarceration but also enables him to maintain social relations with his family and the community. It also helps him maintain and develop a sense of self-confidence. Continued contacts with family and the community sustain in him a hope for life. The release of prisoner on furlough motivates him to maintain good conduct and remain disciplined in the prison. It is a form of suspension of sentence covered under the provisions of 432 (5) CrPC 1973.

**17.01** Parole means temporary release of a prisoner for short period so that he may maintain social relations with his family and the community in order to fulfil his familial and social obligations and responsibilities. It is an opportunity for a prisoner to maintain regular contact without side world so that he may keep himself updated with the latest developments in the society. It is however clarified that the period spent by a prisoner outside the Jail while on parole in no way is a concession as far as his sentence is concern. The prisoner has to spend extra time in prison for the period spent by him outside the Jail on parole. Temporary or permanent release of prisoner before the expiry of a sentence, on the promise of good behaviour.

Whereas, furlough refer to leave of absence and is purely an incentive for good conduct that will thus count towards sentence.

Both parole and furlough are granted in furtherance of correctional goals. However, the privilege of release on parole and furlough should, of course, be allowed to selective prisoners based on well-defined norms of eligibility and propriety. Thus, cannot claim as a matter of right.

**17.02 The objectives of releasing a prisoner on parole and furlough are: —**

- i. To enable the inmate to maintain continuity with his family life and deal with familial and social matters ;
- ii. To save him from the evil effects of continuous long prison life ;
- iii. To enable him to maintain and develop in himself-confidence ;
- iv. To enable him to develop constructive hope and active interest in life ;
- v. To help him remain in touch with the developments in the outside world;
- vi. To help him remain physiologically and psychologically healthy;
- vii. To enable him to overcome/ recover from the stress and evil effects of incarceration; and
- viii. To motivate him to maintain good prison and disciplined in the prison.

**17.03 Definition of Family**

Definition of family of a prisoner for this chapter means grandparents, parents, brothers, sisters, spouse, children and grandchildren.

**17.04 Types of Parole**

There shall be two kinds of parole to which a convict would be eligible—

- Custody Parole or Emergency Parole.
- Regular Parole.

**17.05 Custody Parole**

Custody parole may be granted to a convict by an order in writing issued by the Jail Superintendent, under intimation to the Head of Prisons Department (HoPD), and to an under-trial prisoner by the trial court concerned for a period not more than 48 hours excluding the journey time in the following eventualities: -

- i Death of a family member;

- ii Marriage of a family member;
- iii Serious illness of a family member; or
- iv Any other emergency with the approval of the DIG.

The prisoners who have been convicted but their appeal is pending before the higher courts may also avail custody parole from the prison authority.

**17.06** The Jail Superintendent will verify the existence of the circumstances mentioned above from the concerned Police Station or any other authority immediately on the receipt of application to that effect.

The custody parole may be granted to visit any place within India subject to reasonable logistic and security constraints.

The prisoner would be escorted to the place of visit until his return there from ensuring the safe custody of the prisoner by the escorting party (Police). Such prisoner would be deemed to be in prison for the period and would be treated as period spent in prison.

### **17.07 Regular Parole**

The cases of eligible prisoners shall be considered for regular parole by the competent authority, subject to any direction(s) issued by the Administration of Union territory in this behalf. Further, parole granted under these rules shall be intimated to the Home Department.

### **17.08 Grounds for parole**

Subject to fulfilment of condition/restriction stipulated, the Competent Authority shall consider application for parole on the following grounds: -

- i. Serious illness of a family member.
- ii. Critical conditions in the family on account of accident or death of a family member.
- iii. Marriage of any member of the family of the convict.
- iv. Delivery of a child by the legally wedded wife of the convict.
- v. Serious damage to life or property of the family of the convict including damage caused by natural calamities.
- vi. Sowing and harvesting of crops.
- vii. To maintain family and social ties.
- viii. To pursue the filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court conviction group holding the conviction, as the case may be.

### **17.09 Eligibility for parole**

Eligibility for parole shall be regulated as per following criteria: —

- I. A convict must have served at least the period of one year in prison excluding under trial period and any period covered by remission. However, in exceptional cases, where the prisoner has spent more than 3 years as under trial period or half of the sentence of the punishment awarded as under trial then his parole application may be considered, if he has spent at least 6 months in prison as convict.
- II. The conduct of the Prisoner who has been awarded major punishment for any prison offence should have been uniformly good for last two years from the date of application and the conduct of Prisoner who has been awarded minor punishment or no punishment for any prison offence in prison should have been uniformly good for last one year from the date of application.



- III. During the period of release on parole or furlough, if granted earlier, the convict should not have committed any crime.
- IV. The convict should not have violated any terms and conditions of the parole or furlough granted previously.
- V. A minimum of six month sought to have elapsed from the date of surrender on the conclusion of the previous parole availed. In emergency, parole may be considered even if minimum period of six months has not elapsed from the date of termination of previous Parole. The emergency may include delivery of a child by the wife of the convict, death of a family member, marriage of children, terminal illness of family members and natural calamities.

Note. —Emergency of regular parole may also arise and can be considered on account of delivery by the wife of the convict, terminal illness of a family member, death of a family member, marriage of children and any type of natural calamity, the parole may be processed at shorter duration, while considering the subsequent parole.

#### **17.10 Restriction on release of a prisoner on regular parole**

The following categories of prisoners shall not be eligible for release on parole: -

- i) Prisoners convicted under sedition, terrorist activities and NDPS Act;
- ii) Prisoners whose immediate presence in the society may be considered dangerous or otherwise prejudicial to public peace and order by the District Magistrate of his home District or there exists any other reasonable ground such as a pending investigation in a case involving serious crime;
- iii) Prisoners who are considered dangerous or have been involved in serious prison violence like assault, outbreak of riot, mutiny or escape, or rearrested who absconded while released on parole or furlough or who have been found to be instigating serious violation of prison discipline as per the reports in his/her annual good conduct report;
- iv) Convicted foreigners subject to prior approval of Ministry of Home Affairs & Ministry of External Affairs and having valid permission to stay in India;
- v) Prisoners suffering from mental illness, if not certified by the Medical Officer to have recovered;
- vi) If the prisoner is convicted of murder after rape;
- vii) If the prisoner is convicted under POCSO;
- viii) If prisoner is convicted for multiple murders whether in single case or several cases;
- ix) If prisoner is convicted for dacoity with murder;
- x) If prisoner is convicted for murder after kidnapping for ransom.

#### **17.11 Duration and frequency of regular parole**

Prisoner eligible for the grant of regular parole should not get it for a period of more than 30 days at a time and not more than two times in a calendar year. However, in exceptional circumstances such parole can be extended up to a maximum period of 45 days by the Competent Authority but in no case such parole should be extended further.

Note. —1 there should be at least one month gap between parole and last furlough availed and vice-versa.

Note. —2 an application of a convict for parole extension is pending before the Competent Authority during his original parole and his case is not decided before the expiry of the sanctioned parole period, the extension shall be deemed to have been granted.

#### **17.12 Procedure for Parole**

The following procedure would be followed while processing the application for parole:-

- i. An application for grant of parole may be submitted by the prisoner or his family members to the Jail Superintendent (Refer Application Form in the Appendix-13).
- ii. The application must contain the following details: —
  - a Name of the applicant;
  - b Name of the father of the applicant;
  - c Address of the applicant;
  - d In case the application is being moved by a family member, the details of relationship with the convict;
  - e Whether any other application of the convicts pending for parole or furlough;
  - f Reasons for seeking parole;
  - g Last confirmed address of the convict; and
  - h Proposed address where the convict wishes to stay during parole.
- iii. The Jail Superintendent will maintain a Parole Register. Upon receipt of the application, the Jail Superintendent would make an entry in the Register immediately. The Jail Superintendent would verify the grounds stated in the application upon an oral interview with the prisoner and shall make specific recommendations with regard to the grounds taken by the convicting the nominal role.
- iv. The Jail Superintendent will then forward a copy of the application, only by way of an e-mail, to the Police Station concerned where the FIR was registered, the Police Station concerned of the last known address and where he wishes to stay and the investigating agency of the case, if any, for their report.
- v. The report from the Police Station(s) concerned & investigating agency will be based upon a fair enquiry.
- vi. The report by the Police Station (if within the jurisdiction of UT of Ladakh) shall be furnished in the format (Form-I) prescribed in the schedule, and only by way of an e-mail, within two weeks from the date of receipt of the copy of the said application at the Police Station. The investigating agency, if any, shall also follow the same timelines.
- vii. If the report is not received within two weeks from the concerned Police Station, the Jail Superintendent will send a communication in writing, and only by way of an e-mail, to the District Magistrate as well as the Superintendent of Police of the concerned District with a copy to the concerned Police Station requiring the submission of a report, only by e-mail, within two weeks from the date of receipt of the said communication.
- viii. In case verification report is required from police of any other State, the same shall be sought from the concerned District Magistrate as well as Superintendent of Police of the District concerned, with advance intimation to the concerned Police Station too. The said report shall be furnished by the concerned authority in accordance with the Form-I prescribed in the Schedule within three weeks of the receipt of the copy of the application for parole.
- ix. In case a report from the concerned Police Station of the outside State, through the DM/SP of the concerned District, is not received within three weeks, the Jail Superintendent shall forward a communication in writing to the Director General of Police of the State concerned for submission of the report within two weeks from the date of receipt of the said communication.
- x. If no report is received by the Jail Superintendent within the afore mentioned prescribed periods, it shall be presumed that the concerned police authorities have no objection to parole being granted. Within UT of Ladakh, the timelines shall be with reference to e-mail communications.
- xi. The application would then have to be immediately forwarded to the Competent Authority, no later than three days, with a forwarding note detailing the contents and status of receipt of report from the concerned police authorities.

**17.13** The Jail Superintendent will forward the parole case to the Competent Authority with the following details:-

- I. Application of the convict;
- II. Police report, if any, and in case no police report has been received within the prescribed period, copies of communication with police authorities;
- III. Specific recommendation of the Jail Superintendent;
- IV. Nominal roll of the convict;
- V. Medical report(s) of the convict where parolees sought on medical grounds;
- VI. Any other relevant documents.

Note: — Provided that the Jail Superintendent, before forwarding the application for parole, should ensure that if the prisoner is eligible for furlough, then his release on furlough be considered before forwarding his application for parole and certificate in this regard be annexed with the application.

**17.14** The Competent Authority shall maintain the record including the receipt of the application and its details. It shall decide the matter within one week and will communicate the decision to the Jail Superintendent who in turn will communicate the same to the convict.

**17.15** The Competent Authority sanctioning parole may make an order in writing for the release of a prisoner, subject to the following conditions:-

- i) That the prisoner shall furnish cash security for the amount fixed by the Competent Authority as per the financial status of the family of the convict and execute a personal recognizance bond, or execute a bond with one or more sureties according to the directions of the Competent Authority;
- ii) That the prisoner shall reside at the place designated by the Competent Authority and will not go beyond the specified limits;
- iii) That the prisoner will keep good behaviour and will not commit any offence during the period of release;
- iv) That the prisoner will report to the Probation Officer, if any, of the area of his stay during the period of release;
- v) That the prisoner will neither associate with bad characters nor lead a dissolute life;
- vi) That the prisoner will be liable to be recalled immediately to prison in case he violates any of the conditions;
- vii) That the prisoner will surrender himself to the Jail Superintendent on expiry of the release period as granted, or on recall.

**17.16** In case, the convict is not able to furnish the surety, if any, within two weeks from the copy of the order served, the Jail Superintendent, if applied by convict, may recommend for relaxation in the condition of parole to the Competent Authority in case the convict is being released for the first time on parole. In case it is subsequent parole application, then the Jail Superintendent shall release the convict on personal bond and on any other reasonable conditions including cash security from wages earned by the convict, if the convict has not violated any condition of parole or furlough granted earlier.

### **Furlough**

#### **17.17 Duration for Furlough**

A prisoner may be granted 21 days of furlough twice in one conviction year. If the prisoner commits an offence during the period he is released on furlough, then the period will not be counted as sentence undergone.

#### **17.18 Eligibility for Furlough**

In order to be eligible for furlough, a prisoner must fulfil following criteria: —

- i. A prisoner who is sentenced to 5 years or more of rigorous imprisonment and must have undergone 2 years imprisonment after conviction with unblemished record.
- ii. Good Conduct in the Prison and continues to maintain good conduct.
- iii. The prisoner should not be a habitual offender.
- iv. The prisoner should be a citizen of India.

### **17.19 Restriction on release of a prisoner on furlough**

The following categories of prisoners shall not be eligible for release on furlough:-

- (i) Prisoners convicted under sedition, terrorist activities and NDPS Act;
- (ii) Prisoners whose immediate presence in then society may be considered dangerous or otherwise prejudicial to public peace and order by the District Magistrate of his home District or there exists any other reasonable ground such as a pending investigation in a case involving serious crime;
- (iii) Prisoners who are considered dangerous or have been involved in serious prison violence like assault, outbreak of riot, mutiny or escape, or rearrested who absconded while released on parole or furlough or who have been found to be instigating serious violation of prison discipline as per the reports in his/her annual good conduct report;
- (iv) Convicted foreigners subject to prior approval of Ministry of Home Affairs & Ministry of External Affairs and having valid permission to stay in India;
- (v) Prisoners suffering from mental illness, if not certified by the Medical Officer to have recovered;
- (vi) If the prisoner is convicted of murder after rape;
- (vii) If the prisoner is convicted under POCSO;
- (viii) If prisoner is convicted for multiple murders whether in single case or several cases;
- (ix) If prisoner is convicted for Dacoit with murder;
- (x) If prisoner is convicted for Murder after kidnapping for ransom;

However, a prisoner convicted of above, may be considered for furlough by the Competent Authority if the Deputy Inspector General (Range) of Prisons makes a specific recommendation. In such circumstance, the report/recommendations of the Social Welfare/Probation Officer, if available, shall be considered while deciding such furlough application.

Further, the spell of furlough for such category would be:

- (a) Only one spell of 3 weeks in first two years of eligible; and
- (b) Two spells of furlough in the subsequent years after the two furloughs.

### **17.20 Procedure for disposal of Applications for furlough**

The following procedure would be followed while processing the application for furlough and thereafter: -

- a. An application for grant of furlough may be submitted by the Prisoner or family members to the Jail Superintendent (Refer Application for **Min** Appendix-13).
- b. The application must contain the following details:
  - 1. Name of the applicant;
  - 2. Name of the father of the applicant;
  - 3. Address of the applicant;
  - 4. In case the applications being moved by a family member, the details of relationship with the convict;
  - 5. Whether any other application of the convicts pending for parole or furlough;

6. Reasons for seeking furlough;
  7. Last confirmed address of the convict; and
  8. Proposed address where the convict wishes to stay during furlough.
- c. The Jail Superintendent will maintain a furlough Register. Upon receipt of the application, the Jail Superintendent would make an entry in the Register immediately. The Jail Superintendent would verify the grounds stated in the application upon an oral interview with the prisoner and shall make specific recommendations with regard to the grounds taken by the convicting the nominal roll.
  - d. The Jail Superintendent will then forward a copy of the application, only by way of an e-mail, to the Police Station concerned where there was registered, the Police Station concerned of the last known address & where he wishes to stay and the investigating agency of the case, if any, for their report.
  - e. The report from the Police Station(s) concerned & investigating agency should be based upon a fair enquiry.
  - f. The report by Police Station (if within the jurisdiction of UT Ladakh) shall be furnished in the format (Form-I) prescribed in the schedule, and only by way of an e-mail, within two weeks from the date of receipt of the copy of the said application at the police station. The investigating agency, if any, shall also follow the same timelines.
  - g. If the report is not received within two weeks, from the concerned Police Station, the Jail Superintendent will send a communication in writing, and only by way of an e-mail, to the District Magistrate as well as the Superintendent of Police of the concerned District with a copy to the concerned Police Station requiring the submission of a report, only by e-mail, within two weeks from the date of receipt of the said communication.
  - h. In case verification report is required from police of any other State, the same shall be sought from the concerned District Magistrate as well as Superintendent of Police of the District concerned, with advance intimation to the concerned Police Station too. The said report shall be furnished by the concerned authority in accordance with the Form-I prescribed in the Schedule within three weeks of the receipt of the copy of the application for furlough.
  - i. In case a report from the concerned Police Station of the outside State, through the DM/SP of the concerned District, is not received within three weeks, the Jail Superintendent shall forward a communication in writing to the Director General of Police of the State concerned for submission of the report within two weeks from the date of receipt of the said communication.
  - j. If no report is received by the Jail Superintendent within the afore mentioned prescribed periods, it shall be presumed that the concerned police authorities have no objection to furlough being granted. Within UT of Ladakh, the timelines shall be with reference to the e-mail communications.
  - k. The application would then have to be immediately forwarded to the Competent Authority, not later than three days, with a forwarding note detailing the contents and status of receipt of report from the concerned police authorities.

**17.21** The Jail Superintendent will forward the furlough case to the competent authority with the following details: —

- i. Application of the convict;
- ii. Police report, if any; and in case no police report has been received within the prescribed period, copies of communications with Police authorities;
- iii. Specific recommendation of the Jail Superintendent;
- iv. Nominal rolls of the convict;
- v. Any other relevant documents.

**17.22** The Competent Authority shall maintain the record including the receipt of the application of its details. It shall decide the matter within one week and will communicate the decision to the Jail Superintendent who in turn will communicate the same to the convict. The competent authority shall send a monthly report of the decisions taken by it to the Home Department.

**17.23** The Competent authority authorized to sanction furlough may make an order for the release of a prisoner subject to the same conditions as are for ordering parole and mentioned under rule 18.15 above. Further, the Jail Superintendent shall follow the procedure mentioned in Rule 18.16 in respect of furlough cases wherever applicable.

### **Miscellaneous**

**17.24** The Competent Authority shall decide the period of release on the merits of each case, for reasons to be specified in the order granting parole/furlough. It is clarified that the non receipt of police verification report in the time specified under the above rules shall not be ground for rejection of parole/furlough application.

**17.25** While disposing of an application for parole/furlough, the Competent Authority will assess the behaviour and trustworthiness of the convict on the one-hand well as any adverse repercussions, which may exist if parole/furlough is granted. The authority will act fairly and record reasons if the application is rejected.

**17.26** The Competent Authority will maintain a computerized database to deal with parole and furlough cases. The Competent Authority shall submit a monthly report to the Administration giving relevant details including sanctioned parole/furlough cases, rejected cases with reasons recorded thereof, cases of violation of leave conditions, etc.

**17.27** On receipt of an order from the Competent Authority, the prisoner should be released on Parole or Furlough after he has executed the necessary bond and has signed the conditions of release to the satisfaction of the Jail Superintendent. At the time of release, the prisoner should be supplied with an identity card and certificate of release on parole or Furlough.

**17.28** In the event a prisoner being released on parole/furlough belongs to any other State, then the local Police Station of that State shall be requested to keep a watch on the prisoner so released.

**17.29** A register shall be maintained in the prison in the prescribed 'Form-II' in which all the details relating to release of prisoners on parole and furlough shall be maintained. This record shall also be maintained electronically. The prisoners shall be kept informed of his eligibility and right to release on parole and furlough on regular basis by updating the record in the history sheet of the prisoner.

**17.30** The prisoner will himself meet all the expenses, including those on journey to and from the place of his stay, after his release on parole/furlough from prison unless the Jail Superintendent is satisfied that the prisoner or his family cannot bear the travel expenses.

**17.31** If a prisoner does not surrender himself within one week from the date on which he should have so surrendered, he may be arrested by the Police without a warrant on the complaint of the Jail Superintendent and shall be remanded to undergo unexpired portion of his sentence. The punishments may be awarded to the prisoner for over staying or jumping the parole or furlough as the overstaying/jumping on Parole or Furlough would amount to misconduct on the part of the prisoner and deemed prison offence for violation of the terms and conditions of these rules and may be punished for prison offences as provided in the chapter of prison discipline in the Prison Manual and the prisoner shall be deemed to have committed an offence under section 224 IPC and may also be prosecuted accordingly with Government sanction. In every case of over stay of furlough, the period spent in violation of the conditions shall not be counted towards part of sentence served; the Jail Superintendent shall bring every such fact to the notice of HoPD and Home Department for their appraisal.

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## **CHAPTER XVIII**

### **PREMATURE RELEASE, REMISSION & COMMUTATION**

The primary objective of imprisonment is the reformation of the offender and his reintegration into the society as a useful member. Incidental to the same is the conduct, behaviour and overall performance of the prisoner while in prison which has a direct bearing on his rehabilitative potential and the possibility of him being released prematurely by virtue of remission earned by him or commutation of his sentence.

Remission or commutation in sentence is a concession, not a right, which can be granted to prisoners by the President/Governor or the Appropriate Government or by the Jail Authorities. This concession is subject to withdrawal/forfeiture/ revocation.

#### **18.01 Modes of granting Remission or to Commute sentence:**

Sentences can be remitted or commuted by the following methods:

- (a) Under section 432 of the Code of Criminal Procedure, 1973 by the appropriate Government.
- (b) Under Article 72 or Article 161 of the Constitution by the President or the Governor, as the case may be.
- (c) Under section 433 of the Code of Criminal Procedure, 1973 by the appropriate Government.
- (d) Under the Prisons Act, 1894 and rules made herein after, by the Prison Authorities.

#### **18.02 Procedure to be followed for granting Remission or commutation.**

- (1) For granting Remission to the eligible convicts under clauses (a) and (b), the procedure laid down in Cr.P.C. and Constitution of India shall be followed.
- (2) In respects of clause (c) the administration may place the recommendations made by the Apex Committee, in respect of eligible life convict prisoners and other long termers for their premature release before the Competent Authority for consideration and approval.

#### **18.03 Constitution of Apex Committee.**

The Administration may by an order constitute an Apex Committee for considering the cases of eligible life convict prisoners for their pre-mature release under clause (c) of para 18.01.

The Committee shall be a permanent body consisting of the following members:

- (i) Administrative Secretary Home – Chairman
- (ii) Law Secretary – Member
- (iii) Head of the Department of Prisons –Member-Secretary
- (iv) Senior police officer not below the rank of DIG– Member
- (v) Secretary Social Welfare Department – Member

##### **18.03.01 Quorum**

The cases placed before the Apex Committee shall be considered even when one or more members of the Committee are not able to attend the meeting or when there is a vacancy on the Committee. The quorum shall comprise of 4 members and the Apex Committee shall not take any decisions when the quorum is not complete.

##### **18.03.02 Periodicity of the Apex Committee's Meetings**

The Apex Committee shall meet at least once in 6 months on a date to be decided by the Chairman and notified to the members at least 7 days in advance by the Member Secretary.

However, the Chairman of the Apex Committee can convene a meeting of the Committee more frequently, even at short notices, if necessary.

#### **18.03.03 Procedure to be followed by the Apex Committee:**

The Member-Secretary shall convene a meeting of the Apex Committee on a fixed date and time at a place authorized by the Chairman. Notice of such meeting shall be given to the Chairman and Members of the Board at least 7 days in advance and such notice shall be accompanied by complete agenda papers, i.e., the note of the Superintendent of Jail; along with copies of other necessary documents, if any.

The meeting shall ordinarily be chaired by the Chairman and if, for some reasons, he is unable to attend, it shall be chaired by the Law Secretary. The Member-Secretary shall present the case of each prisoner under consideration before the Apex Committee. The Apex Committee shall consider each case and give its views. As far as practicable, the Apex Committee shall make unanimous recommendations. However, in case of dissent, the majority view shall prevail and will be deemed to be the decision of the Apex Committee. If equal numbers of members are of opposing views, the decision of the Chairman will be final.

The paramount consideration before the Apex Committee shall be the welfare of the prisoner as well as his resettlement in the society.

Rejection of the case of a prisoner for premature release on one or more occasions by the Apex Committee will not be a bar for its reconsideration. However, the re-consideration of the case of a convict, rejected once, shall be done only after a period of six months, or as specified by the Apex Committee, but not more than one year from the date of its last consideration. A fresh report from the Jail Superintendent will be necessary for such reconsideration.

The rejection of the case of a prisoner for premature release should be based on sound reasons and not merely on the accusation of victim (his relations) or his own hostile relatives. The prisoner so affected shall be intimated about the rejection of the case by the Apex Committee through the Superintendent of Jail.

The recommendation of the Apex Committee shall be placed before the Competent Authority for consideration and approval. The Competent Authority may either accept the recommendations of the Apex Committee or reject the same on the grounds to be recorded or may ask the Apex Committee to reconsider a particular case. The decision is communicated to the concerned prisoner and in case the Competent Authority has ordered for his premature release, the prisoner shall be released forthwith, with or without conditions, as the case may be.

#### **18.03.04 Eligibility for Premature Release**

The following categories of life convict prisoners shall be eligible to be considered for premature release by the Apex Committee: —

- i. Women offenders sentenced to life imprisonment: On completion of eight years of imprisonment, including remission, except those covered under section 433-A of the Cr. P. C. 1973 whose cases will be considered only after completing 14 years of actual imprisonment.
- ii. Life convicts (men and young offenders): On completion of 10 years of imprisonment, including remission, except those covered under section 433A of the Cr. P. C. 1973 whose cases will be considered only after completing 14 years of actual imprisonment.
- iii. Prisoners convicted of offences such kidnapping, kidnapping for ransom, Immoral Traffic Prevention Act, rape, dacoity; after completion of 14 years of sentence exclusive of remission.
- iv. Old and infirm offenders of 65 years of age on the day of the commission of offence, sentenced to life imprisonment: On completion of 10 years of sentence or 75 years of age



including remission, whichever is earlier subject to the condition that he shall not be actually released unless they have undergone at least five years of imprisonment including remission.

#### **18.03.05 Prisoners not eligible for Premature Release**

Prisoners convicted of the following offences: -

- i. Terrorist crimes (undergoing life imprisonment)
- ii. Smuggling (undergoing life imprisonment)
- iii. NDPS Act
- iv. Prevention of Corruption Act (undergoing life imprisonment)
- v. Offences against State (undergoing life imprisonment)

#### **18.03.06 Process to be followed by the Jail Superintendent.**

For every life convict, eligible for consideration by the Apex Committee under the rules-

- i. Every Jail Superintendent in charge of a prison shall initiate the case of a prisoner at least three months in advance of his/her becoming eligible for consideration for premature release as per the criteria laid down for eligibility of premature release of life convicts.
- ii. The Superintendent of Jail shall prepare a comprehensive note for each prisoner, giving his family and societal background as per the record of the case, the offence for which he was convicted and sentenced, and the circumstances under which the offence was committed.

The Superintendent shall also reflect fully on the conduct and behaviour of the prisoner in the prison during the period of his incarceration, and during his/her release on any leave, change in his/her behavioural pattern, and prison offences, if any, committed by him/her and punishment awarded to him for such offences. A report shall also be made about his physical and mental health or any serious ailment with which the prisoner is suffering, entitling him for premature release as a special case. The note shall also contain recommendation of the Superintendent, i.e., whether he favours the premature release of the prisoner or not. In either case, such paramount nature of recommendation shall be supported by adequate reasons.

#### **18.03.07 Monitoring of Cases**

A computerized record of all the prisoners serving sentence in the prisons, for a follow up of their cases is extremely desirable in every prison as well as at the Prisons Headquarters and at the Home Department. The monitoring system should be based on the following guidelines:

- a. There shall be a single file system for the case of every prisoner. Such files shall be maintained at the prison institution.
- b. This file will have a complete record of information regarding the consideration of a prisoner's premature release on any grounds on previous occasions and the date of reconsideration of the case.
- c. Only one ground for a prisoner's premature release shall be considered at a time.
- d. Full record of information regarding the stage of each prisoner's premature release shall be kept in a register prescribed for the purpose as well in computers.
- e. Monitoring of all cases shall be done every month at the prison level and every three months at Prisons Headquarter level.

#### **18.03.08 Record Relating to Premature Release**

Immediately on admission of a life convict, eligible for being considered for premature release, the Superintendent of the institution should get a copy of the judgment in his/her case from the court and open a file. This file shall contain:

- i. Copies of the judgments of the original court and the appellate court.
- ii. A data sheet containing information, viz. name of the convict, his/her number, age at the time of the sentence, previous occupation, offences, sentences, date of sentence, sentencing court, sentence under gone, unexpired sentence and remission earned.
- iii. Report of the Superintendent giving particulars about the educational progress, performance at work and vocational training, interest in recreational and cultural activities, discipline, group adjustability, conduct, attitude towards society and family members, conduct during release on leave, need for an aftercare programmer, and the manner in which the convict proposes to resettle after his/her premature release.
- iv. Medical report about the physical and mental condition of the offender, serious illness, if any, suffered by him/her and his/her fitness for premature release.
- v. Report of Social Welfare Officer/Probation Officer, if any.
- vi. Order of the Administration.
- vii. Bond furnished by the prisoner.
- viii. Conditions of release duly signed by the prisoner.

#### **18.03.09 Miscellaneous Issues:**

When a convicted prisoner, in the opinion of a Medical Board, is in danger of death from sickness (not due to an infectious disease) with no hope of recovery within or outside the prison, the Superintendent shall report the fact to the HoPD if it is considered desirable to allow such prisoner the comfort of dying at home.

If the unexpired period of the prisoner's sentence does not exceed six months, the HoPD may direct his/her immediate release, after making personal inquiries into the case and consulting the District Magistrate of that district.

If the unexpired period of the prisoner's sentence exceeds six months, the HoPD shall immediately report the facts of the case, along with his recommendations, to the Administration.

No prisoner, without any friends or relatives willing to take charge of him/her, shall be released under this rule.

This rule shall not apply to a prisoner who goes on a hunger strike. A prisoner on hunger strike shall in no circumstances be released.

If a Medical Board considers that a convicted prisoner is in danger of dying from illness (not due to an infectious disease), and that there is a probability of his/her recovery when released, he shall furnish a certificate to that effect. On receipt of the certificate the Superintendent shall immediately report the fact to the HoPD. He shall also at the same time send for the prisoner's relatives or friends and ascertain whether they are willing to look after him. If so, he shall take from them a surety bond to the effect that in the event of the prisoner being prematurely released on account of illness, they will give him/her up at any time they may be required to do.

If a prisoner detained solely under a sentence of Imprisonment in default of furnishing security to maintain peace or for good behaviour, is so seriously ill that he/ she is likely to die, whatever be the term of his unexpired sentence, the Superintendent shall refer the case to the District Magistrate of the District, in case the order is passed by an Executive Magistrate, or to the Court of Sessions, in case the order has been passed by a Judicial Magistrate, for necessary orders of release under section 123 of the Code of Criminal Procedure, 1973.

Every case of release under these rules shall immediately be reported to the HoPD by the Superintendent of Jail. The District Magistrate and Superintendent of Police of the district of the convict so released shall also be informed accordingly by the Superintendent of Jail. If the friends or relatives of a sick or dying prisoner, whose release has been sanctioned under above rules, express their inability to meet the expenses of a journey to the prison, the prisoner may be transferred, if fit to travel, in anticipation of sanction of the HoPD to the prison of the district where he/she shall stay, provided that no prisoner shall be so transferred to any district beyond the jurisdiction of the UT without the special sanction of the Administration.

In the event of such a prisoner dying before he/she can be released, the death shall be recorded in the records of the prison from which he/she was transferred.

**18.03.10 Premature release of convicts convicted in the State/Union Territories other than where they are confined:**

The case of premature release of convicts convicted in this Union Territory and irrespective of where they are confined shall be undertaken by the Apex Committee and the outcome shall be forwarded to the Superintendent of Jail where the convict is confined at the relevant time.

Similarly, the cases of convict's sentence by the court martial shall have to be forwarded to Army authorities by the Apex Committee.

**18.04 Remission by Prison Authorities:**

Without prejudice to the remission and commutation of sentence granted under the Constitution of India and Criminal Procedure Code as referred herein above, remission will be earned by a prisoner as per the enabling provisions of Prisons Act as enumerated hereunder:

**18.04.01 Kinds of Remission by prison authorities**

Remission by Prison authorities can be of the following types:

- (i) Ordinary remission.
- (ii) Special remission.

**18.04.02 Ordinary Remission**

The Jail Superintendent, or an officer nominated by him on his behalf, is authorized to grant ordinary remission.

Eligibility: - The following types of convicted prisoners shall be eligible for ordinary remission: -

- i) Prisoners having substantive sentences of two months and more;
- ii) Prisoners, sentenced to simple imprisonment for two months or more, who volunteer to work;
- iii) Prisoners employed on prison maintenance services requiring them to work on Sundays and Holidays, e.g. sweeping, cooking etc., irrespective of the length & nature of their sentence i.e., simple or rigorous imprisonment;
- iv) Prisoners admitted for less than one month in hospital for treatment or convalescence after an ailment or injury not caused wilfully. (Those admitted for such purpose for more than one month should be entitled to remission for good conduct only).

Note:-It will be the responsibility of the prison administration to provide work to all eligible prisoners. If for any reason the prison administration fails to do so the prisoners who are otherwise eligible for remission for work should be granted it as per their normal entitlement under the orders of the Head of Prisons Department.

Non-Eligibility: - The following types of prisoners should not be eligible for ordinary remission:

- i. Prisoners having substantive sentence of less than two months;
- ii. Prisoners sentenced in default of payment of fine only;
- iii. Prisoners whose sentence is reduced to less than two months (in such cases remission already earned, if any, should stand forfeited);
- iv. In the case of prisoners who are convicted of an offence committed after admission to the prison under Sections 147/ 148/ 152/224/ 302/ 304/ 304A/ 306/307/308/ 323/ 324/ 325/ 326/ 332/ 333/ 352 or 353 of IPC or of an assault committed after admission to the prison on a warder or other officer or under any other law for misusing the concession of parole/furlough granted under that law. The remissions of whatever kind earned by him

under these rules up to the date of the said conviction may, with the sanction of HoPD, are cancelled;

- v. Prisoners debarred from remission as punishment for committing Prescribed prison offences;
- vi. Prisoners specifically debarred from remission under any law or rule and
- vii. Prisoners out on special leave like medical leave, temporary release on parole, release on bail etc. for the duration of such leave

**18.04.03** Scale of remission for convicted prisoners:- Ordinary remission shall be granted to prisoners who are eligible for it at the scale shown below :—

- a) Three days per calendar month for good behaviour, discipline and participation in institutional activities ;
- b) Three days per calendar month for performance of work according to the prescribed standards ;
- c) Two days (additional) per calendar month for prisoners employed on prison maintenance services requiring them to work even on Sundays and holidays e.g. sweeping, cooking etc. ;
- d) Eight days per calendar month for those working as night watchmen. Night watchmen will not be eligible for remission mentioned in (a), (b) & (c) above ;
- e) Additional one day for each month's stay in open institutions to prisoners sentenced to imprisonment of one year or more and transferred to such institutions ;
- f) Any prisoner eligible for ordinary remission, who for a period of one year from the date of his sentence, or the date on which he was last punished (except by way of warning) for a prison offence, has not committed any prison offence, shall be awarded 30 days annual good conduct remission in addition to any other remission.

#### **18.04.04 Special Remission**

Authority to grant special remission: Head of the Prisons Department, on the recommendation of the Superintendent of Jail through Deputy Inspector General of Prisons, will be the competent to grant special remission.

Criteria to grant special remission: Meritorious work by inmates should be rewarded by grant of special remission in addition to the annual good conduct remission to create a spirit of healthy competition among prisoners. Such special remission may be granted to prisoners eligible for ordinary remission on the following considerations: -

- i) Saving the life of a government employee, a prison visitor or an inmate;
- ii) Protecting a government employee or prison visitor or inmate from physical violence or danger;
- iii) Preventing or assisting in prevention of escape of prisoners, apprehending prisoners attempting to escape, or giving material information about any plan or attempt by a prisoner, or a group of prisoners, to escape;
- iv) Assisting prison officials in handling emergencies like fire, outbreak of riots and strike;
- v) Reporting of, or assisting in, prevention of serious breach of prison regulations;
- vi) Outstanding contribution in cultural activities or education or acquiring an additional education qualification (such as a degree or diploma) or teaching art & craft and special skills to fellow inmates;
- vii) Especially good work in industry, agriculture or any other skill development programme, or in vocational training;
- viii) Looking after the old and infirm including ailing Inmates.

Scale of Special Remission: Subject to the fulfilment of any one or more of the conditions afore mentioned, special remission not exceeding 30 days in a calendar year completed by the prisoner in a Jail (Prison) may be granted by the Head of the Prison Department on the recommendation of Superintendent of Jail through Deputy Inspector General of Prisons to those prisoners who are eligible for ordinary remission.

#### **18.04.05 Remission Committee**

The Remission Committee for remissions to be granted by the Prison authorities. The Remission Committee of each Institution will consist of:

- i) Superintendent in charge of the institution –Chairman;
- ii) Deputy Superintendent or senior most prison officer available in the institution
- (iii) Assistant Superintendent in charge of remission section;

The functions of this committee are:

- i) to attend to all matter pertaining to remission;
- ii) to recommend cases of prisoners to Head of Prisons Department for the grant of special remission as per provisions of this manual.

#### **18.04.06 Procedure**

The members of the committee should assist the Superintendent in all matters pertaining to the award of remission. The decision of the Superintendent should be treated as final. The Remission Committee should meet every Monday in the first week of every month or as and when required. Monday means Monday or next working day, if Monday is a Prison holiday.

- Notes. —(i) Entries regarding remission shall be made, under proper attestation of the Superintendent, in the Remission Register and the History Ticket of the prisoner concerned as soon as it is granted.
- (ii) Prisoners with substantive sentences from two months to five years shall be sanctioned remission each month while those sentenced to more than five years (including life convicts) shall be granted remission once in a quarter.
  - (iii) Ordinary remission should be calculated for full calendar months. It should not be granted for a fraction of a calendar month.
  - (iv) Special remission may be granted for any fraction of a year accordingly.
  - (v) Maximum limit of ordinary and special remission which a prisoner can earn shall not be more than one fourth of a substantive sentence (to be calculated from the date of his conviction). The remission granted by the Head of the State shall be in addition to the ordinary and special remissions which the prisoner has earned. However, in no circumstances, maximum limit of all types of remissions earned by a prisoner should not exceed one third of the substantive sentence.
  - (vi) Grant of remission to prisoners sentenced by court martial should be on the same principles as those applicable to other prisoners.

#### **18.04.07 Life Convicts**

Life sentence shall be reckoned as imprisonment for twenty years for the statistical purpose only (Section 57 of Indian Penal Code, 1860). In the case of a prisoner serving more than one life sentence, twenty years shall be treated as the total of all his sentences for calculating remission. Grant of remission to a life convict shall not mean actual remission in his sentence. When his case will be examined by the Review Board for pre-mature release, the remission to his credit will be one of the factors on the basis of which the review of his sentence will be considered.

#### **18.04.08 Miscellaneous Matters**

Prisoners sentenced by court martial shall be granted ordinary remission of the period they pass in transit, or in military custody, before their admission in prison on the same scale as laid down in these rules.

In the case of a prisoner, transferred from one prison to another while undergoing imprisonment, the period spent by him in the first prison, excluding the period spent as an under-trial prisoner, shall be calculated along with the period spent by him in the second prison, for remission.

Ordinary remission shall be calculated from the first day of the calendar month after the date of the prisoner's sentence. Ordinary remission shall not be granted for the broken period of a calendar month. A prisoner, unless sentenced on the first day of a month, will not get remission for the month in which he has been sentenced.

Period spent outside the prison, such as release on furlough, period spent in hospital in custody etc. which are included as part of a sentence, should not be treated as broken periods. During such periods the prisoner shall be eligible for earning ordinary remission.

For periods spent outside the prison which are not included as parts of a sentence (such as parole, bail, emergency release, escape and extradition etc.) prisoners shall not be eligible for earning remission. In such cases, the prisoners should be considered as eligible to earn remission from the first day of the calendar month following the date of their re-admission.

Note. —In all such cases the date for eligibility for annual good conduct remission will be duly postponed. Prisoners who have been released on bail, or whose sentence have been temporarily suspended, shall, on their readmission to prison, be credited with any remission they may have earned before their release on bail, or to the suspension of the sentence. They will be brought under the remission system again on the first day of the calendar month after their re-admission.

#### **18.04.09 Removal and Revocation of Prisoner from Remission**

The Head of the Prisons Department, on the recommendation of Superintendent of Jail, may remove any prisoner from remission for a period of six months for committing any specified prison offence. Similarly, the Superintendent of Jail may remove a prisoner from remission for three months. However, the sanction of the HoPD will be necessary for such removal from remission for any period exceeding three months.

With prior sanction of the Head of the Prisons Department, the Superintendent of Jail may re-admit any prisoner to remission that has been removed from there. The prisoner who is re-admitted to remission shall earn remission under these rules from the commencement of the month following his re-admission.

#### **18.04.10 Conditions for Forfeiture of Remission**

Remission earned by a prisoner may be forfeited by the Head of the Prisons Department on the recommendation of Jail Superintendent.

- (i) If the prisoner is convicted of an offence committed after admission to prison, under sections 147, 148, 152, 224, 302, 304, 304 A, 306, 307, 308, 232, 324, 25, 326, 327, 332, 333, 352 or 353 of the Indian Penal Code or convicted of an assault committed on a prison official, a prison visitor, a prisoner, or any other government employee or on conviction for any offence committed in violation of the law providing for temporary.

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## **CHAPTER XIX**

### **PRISON DISCIPLINE**

**19.01** Prison discipline is the prime mover of a dynamic and interactive human mechanism called the correctional process, which an offender undergoes to get reformed into a law-abiding and dignified citizen, who can become self-reliant after his/her release and deserve a rightful place in the mainstream of the society.

An offender, after release, always faces cold treatment and rejection from the society at large. On account of such rejection and dislike, the gap between an offender and the society becomes wider. This sends the offender back into the world of crime, and from there again to custody, making a vicious circle. This is how crime recurs. Correctional work aims to bridge the gulf between the offender and the main stream society.

Prison discipline should not be retributive but reformatory; not repressive but curative; and should be carried on with a view to foster the basic values and virtues of life and humanity.

Prison discipline is the collective responsibility of all the prison personnel who are actually supposed to usher in reformation to the offender.

Prison discipline should also ensure impeccable security in the prison so that the safe custody and well-being of the prisoners is not in jeopardy.

Prison discipline shall also envisage a tidy ambience in the premises, which is conducive to creative work in the field of culture, literacy and vocational training.

Prison discipline shall be supported and given a human face by: —

- (i) Sympathetic and patient understanding of the predicaments of the inmates, with follow-up guidance and counselling, which will act as an emotional support base to them. Counselling will also act as a preventive measure against despondency in their psyche.
- (ii) Introducing a system of incentives and rewards which will be accorded to the deserving inmates making rapid progress on the path of correction.
- (iii) Exemplary conduct on the part of the Superintendent, Deputy Superintendent, Correctional Service Staff and other prison personnel will go a long way to encourage prisoners to return to the society at large and make it a better place for posterity.

#### **19.02 Scope**

Prison discipline shall cover all aspects of Institutional life such as:

- i) Discipline of good health;
- ii) Discipline of work;
- iii) Discipline of proper behaviour;
- iv) Discipline of education and learning; and
- v) Discipline of interest in finer aspects of life.

#### **19.03 Prison Offences and Punishments**

Following acts of the prisoners shall constitute prison offences: —

Endangering the security of the prison in any way, by a wilful or negligent act and shall include tampering in any way with prison walls, building, bars, locks and keys, lamps or lights or with any other security and custody measure.

1. Doing any act calculated to create unnecessary alarm in the minds of other prisoners.
2. Doing or omitting to do any act with intent to cause to oneself any illness, injury or disability.
3. Omitting to report the commission of any prison offence.
4. Breaking law and order and prison discipline.
5. Planning, instigating and abetting, directly or indirectly, the commission of any prison offence.
6. Refusing, omitting to abide by standards of behaviour, rules and regulations and lawful instructions and orders.
7. Failing to assist in the maintenance of prison discipline.
8. Failing to give assistance to a prison official when called to do so.
9. Making false, malicious and groundless, written or verbal, complaints against prison officials.
10. Committing nuisance or mischief of any sort.
11. Quarrelling with other prisoners.
12. Smoking at places, or at times, other than appointed places.
13. Attacking, assaulting, and causing injuries to others.
14. Participating in a riot or mutiny, abetting another prisoner to do the same.
15. Escaping or attempting to escape from prison or legal custody or failing to report to prison officials about attempted escapes.
16. Possessing, hiding, smuggling, attempting to smuggle, obtaining, giving or receiving and bartering contraband articles including Mobile Phones and Sim Cards.
17. Failing to report to prison officials about contraband articles.
18. Stealing / damaging / destroying / disfiguring / misappropriating any government property or other prisoners' articles and property.
19. Failing to report at once any loss, breakage or injury, which the prisoner may accidentally have caused, to prison property or implements
20. Tampering with or defacing identity cards, records or documents.
21. Breach of the conditions of leave and emergency release.
22. Refusing to eat food or going on a hunger-strike.
23. Eating or apportioning any food not assigned to him or taking from or adding to the portions assigned to another prisoner.
24. Wilfully or negligently destroying or spoiling food, or throwing it away without orders.
25. Introducing into food or drink anything likely to render it unpalatable, unwholesome, or dangerous for human consumption.
26. Cooking un-authorized.
27. Violating rules and regulations framed for the systematic running of the canteen. Bartering canteen articles.
28. Being idle, careless or negligent at work, refusing to work, malingering, disturbing other prisoners at work, or in barracks.
29. Manufacturing any article without the knowledge or permission of a prison officer.
30. Performing any portion of the task allotted to another prisoner or obtaining unauthorized assistance of another prisoner in the performance of one's own task.
31. Apportioning to any prisoner any part of the task to be performed by him/her.
32. Mixing or adding a foreign substance to the materials issued for work.
33. Wilfully disabling himself from labour.
34. Converting, or attempting to convert, a prisoner to a different religious faith.
35. Wilfully hurting other's religious feelings, beliefs and faiths.
36. Agitating or acting on the basis of caste or religious prejudices.
37. Having any communication, in writing or by word or by signs, without permission, with any outsider, an under-trial prisoner, detents, civil prisoners, and approvers.
38. Participating in, or organizing, unauthorized activities like gambling and betting.
39. Using indecent, abusive, insolent, threatening or improper language; being disrespectful, making indecent or vulgar acts or gestures.
40. Soiling or befouling any place or article.
41. Loitering or lingering, leaving the appointed area or work-group without permission. Failing to assist, or preventing another person from assisting, prison officials in suppressing violence, assault, riot, mutiny, attack, gross personal violence or any other emergencies.



#### **19.04 Punishments for prisoners of all categories**

No punishment or denial of privileges and amenities, or no transfer to other prisons with penal consequences, shall be imposed on prisoners without judicial appraisal.

The following punishment(s) may be awarded by the Jail Superintendent to prisoners for committing any prison offence. These are classified into minor punishments and major punishments.

#### **19.05 Minor Punishments**

- i) Formal warning.
- ii) Loss of privileges given to the prisoners in detention for a maximum of one month.
- iii) Forfeiture of earned remission up to ten days.
- iv) Loss of privileges given to the prisoners in detention from one month to three months.
- v) Transfer to greater security prisons and consequent loss of privileges.
- vi) Not counting period of leave towards sentence in case of breach of conditions of leave.
- vii) Forfeiture of earned remission beyond 10 days.
- viii) Postponement of privileges of leave for a period not exceeding one year starting from the date of the inmate's next eligibility for release on leave.
- ix) Monitoring under watch and security.
- x) In case of any damage to Government property, recovery of cost for such damage after proper enquiry effective with judicial appraisal  
In case of a minor offence which is committed more than twice, the same will be treated as a major offence and punishment shall be awarded accordingly.

#### **19.06 Procedure for Awarding Punishment**

For award of major punishment, the prisoner should be given notice, calling him to show cause with reference to the alleged violation of the jail rule. The order of punishment should also be communicated to the concerned prisoner.

In respect of offence committed by the prisoners which are punishable both under the existing criminal laws and prison offences, it should be the discretion of the Superintendent either to use his own powers of punishments or to prosecute the offender before a court of law through Police Station of the jurisdiction.

No prisoner should be punished twice for the same offence.

#### **19.07 Duties of Prisoners**

At the time of admission, prisoners should be provided with a manual/handbook outlining their duties inside the prison as provided in Appendix -1. The duties broadly include the following:

- (i) Obey the orders of all officers of prison (including clerks, medical and technical staff) and convict officers. [For convict officers refer section 23 of Prisons Act]
- (ii) Remain strictly with their groups and within the part of the prison in which they are confined, unless ordered by proper authority to leave it.
- (iii) Abstain from talking when in a file at unlocking or at latrine and bathing or other parades, or at any time when ordered by an officer of the prison to desist; also abstain from abusing, singing, quarrelling, laughing loudly, talking loudly and indecent behaviour at any time.
- (iv) Not hold any communication with outsiders, women, civil or under trial prisoners or prisoners of a class different from their own, or with the guards, beyond what is absolutely necessary.
- (v) Not receive or possess gamma or other drugs, money or jewellery, or any article of food or clothing prohibited by the rules, books, papers, writing materials of any description, rope, knife, or other implement (except during working hours and when the implement is

required for work). When they find any of these articles in the prison or know of any other prisoner having possession of any such articles, they shall report the matter to the Deputy Superintendent or Warder.

- (vi) Report any plot or conspiracy, and any attempt to escape, or any planned attack upon any prisoner or officer of the prison.
- (vii) Help the officers of prison in the event of any attack upon them.
- (viii) Keep their clothes, blankets, beddings, and utensils clean and in proper order
- (ix) Keep their persons clean.
- (x) Perform their assigned tasks willingly and carefully and take proper care of any government property entrusted to them for any purpose.
- (xi) Be orderly in their behaviour; march when moving about the prison; when addressing or being addressed by an officer of the prison or visitor stand at attention with their hands down; and salute when ordered.
- (xii) Not to remove provisions from the kitchen or food servicing platforms without authority, or conceal any article of food in the wards or cells.
- (xiii) Not to remove any unconsumed food from the place where the meal is taken.
- (xiv) Stick to the bed, ward, yard, & the seat assigned to them while at meals or a work.
- (xv) Not to loiter in the yards /wards, after the doors have been opened, or bathe beyond the specified hours.
- (xvi) Not commit any nuisance or urinate in any part of the prison which has not been assigned for that purpose, or spoil any part of the prison or any article in the prison in anyway.
- (xvii) Show respect to all officers. Not to strike, assault or threaten any officer or prisoner
- (xviii) Not to gamble or barter or play any game (unless specially permitted by the Superintendent) within the prison; nor keep animals, birds or other pets.
- (xix) Wear the clothing given to them and not to exchange clothing or any part of their prison kit, with any other prisoner.
- (xx) Not to undertake any agitation, organized protest or hunger strike.

#### **19.08 Grievance Redressal System**

There shall be an active Grievance Redressal System (G.R.S.) in every prison which will provide every inmate the legitimate opportunity to voice his grievances.

- i. The system will also act as a safety valve against any possibility of sudden outbursts of suppressed grievances.
- ii. There shall be one or more complaint boxes in every prison installed in centrally located and convenient places, within easy reach of the inmates. Such complaint box shall also be installed in an easily accessible place in the female ward, as well.
- iii. The inmates shall be required to drop their complaints in the form of written petitions addressed to the Superintendent, or to the higher authorities, into such boxes.
- iv. The box shall remain under lock and key and the key shall remain in the custody of the Deputy Superintendent, who shall unlock the complaint box at least twice a week on the days fixed and approved by the Superintendent.
- v. The complaint box shall be opened at appointed time before the evening locking up of the prison.
- vi. The Superintendent shall form a permanent Committee of G.R.S., comprising himself, the Deputy Superintendent (the senior most Deputy Superintendent in the event of more than one Deputy Superintendent being posted there), the Medical Officer, and the Welfare Officer. If the prison happens to have a female enclosure, then a senior lady officer of appropriate rank shall be included in the committee.
- vii. The committee shall meet as and when necessary, but at least twice a week to look into all the complaints of the inmates.
- viii. The Superintendent shall preside over the committee which shall enquire into all the complaints at the earliest.

- ix. The decision of the committee shall be executed forthwith.
- x. Complaints addressed to the higher authorities shall be forwarded to the addressee with comments of the Superintendent without delay.
- xi. Letters addressed by prisoners to the Administration, Judiciary, Head of Prisons Department or other high functionaries should be forwarded to them immediately without being censored and a dated receipt of it should be given to the prisoner. The receiving authority should acknowledge letters immediately and look promptly into them.
- xii. The system of taking weekly rounds of inspection of prisons by the Superintendents shall be statutory. A prisoner can lodge direct complaint before the Superintendent on his/her weekly visit as well. If a prisoner is not satisfied by the action taken by the Superintendent on his complaint, he should be allowed to approach higher authorities for re-dressal of his/her grievances.
- xiii. The Board of Visitors should be activated. The visitors should receive and enquire into prisoners' complaints and grievances and send their suggestions to appropriate authorities.
- xiv. A monthly report with regard to the redressal of grievances in a structured Performa should be sent to the Headquarter along with the monthly activity diary.

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## **CHAPTER XX**

### **AFTER-CARE AND REHABILITATION**

**20.01** The process of after-care and rehabilitation of offenders is an integral part of institutional care and treatment. These two should never be de-linked. The after care of a prisoner is an extension of the institutional treatment programme; hence the administrative machinery for carrying out these programs should be effectively integrated with the department of prisons.

It is clear that after-care, and follow-up service is not required by each and every inmate leaving the prison. A large number of prisoners coming from the rural areas and agrarian and business communities are generally accepted back into their family. They are re- assimilated in the social milieu without much difficulty. They require only some continued contact with their kin and some pre-release counselling to bridge the gap between their life in the prison and that in the free society.

There are other prisoners who resist follow-up action as they consider it a kind of surveillance on them. But majority of the inmates would welcome such programs which help them settle in the society after their release, and get themselves rehabilitated beyond the possibility of reverting to crime.

#### **20.02 Objectives**

The objectives of the after-care services are:

- (i) Extending help, guidance, counselling, support and protection to all released prisoners, whenever necessary.
- (ii) Helping a released person to overcome his/her mental, social and economic difficulties.
- (iii) Helping in the removal of any social stigma that may have been attached to the inmate or his/her family because of his incarceration.
- (iv) Impressing upon the individual the need to adjust his/her habits, attitudes, approaches and values to a rational appreciation of social responsibilities and obligations and the requirements of community living.
- (v) Helping the individual in making satisfactory readjustment with his/her family, neighbourhood, work group, and the community.
- (vi) Assisting in the process of the individual's physical, mental, vocational, economic, social and attitudinal post-release readjustment and ultimate rehabilitation.

#### **20.03 Process**

After-care services should be extended to all needy persons released from prisons, conditionally or unconditionally or on license. While after-care services should be provided to all needy prisoners, at the very least, prisoners having served minimum of five years of imprisonment shall necessarily be entitled to after-care services.

After-care problems of an individual should be treated in their totality and not in isolation. Not only the individual but also his/her whole social situation must be tackled at the same time.

After-care work should broadly be phased as follows: —

- (i) While the individual is under institutional care and treatment;
- (ii) Immediately after release from the institution;
- (iii) Post-release period.

There should be full coordination between the Correctional Services and the after-care services.

It is the responsibility of the administration to devise and develop mechanisms for rehabilitation of released convicts. For this purpose, Discharged Prisoners' After-care and Rehabilitation Committees will be set up at the district or divisional level under the patronage of Social Welfare Department. Such committees will inter alia devise the mechanism for rehabilitation and after-care assistance for released prisoners. While devising the mechanism and extending help, special attention will be paid to the protection and post-release care and help of children, adolescents, women, sick, old, infirm and handicapped persons. Special emphasis shall be laid on the after-care of habitual offenders, if they so request.

#### **20.04 Planning**

Planning for after-care should be initiated immediately after an inmate's admission in the institution.

After-care should be in the interest of the individual, and based on his needs. While planning post-release assistance, factors like the inmate's personality, his weaknesses and strengths, limitations and capabilities, and his rehabilitation needs should be taken into consideration. The inmate's desires for post-release help should be considered on a practical and realistic basis.

The inmate should be told what type of assistance would best suit his needs. He should be encouraged to plan his post-release life, as this would be helpful in his willing acceptance of the after-care plan. He should be prepared for his post-release life.

From the time of a prisoner's admission into prison, consideration should be given to his post release needs by the Social Welfare Department in coordination with Prisons Department and he should be encouraged and assisted to maintain or establish such relations (with persons or agencies outside the institution) as may promote the best interests of his family and his/her own social rehabilitation. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family, as are desirable in the best interest of both.

#### **20.05 Functioning of a Probation/Welfare/Rehabilitation Officer**

An officer of appropriate rank is to be appointed as Probation/Welfare/Rehabilitation Officer in each prison by the Social Welfare Department. The Probation/Welfare/Rehabilitation officer shall contact the inmate during his/her admission-quarantine period. Such an early contact will be helpful in planning over-all help for the inmate and his family. The Probation/Welfare/Rehabilitation Officer should meet the inmate at least once a month throughout his stay in the institution.

The Probation/Welfare/Rehabilitation Officer should extend all possible assistance in maintaining the inmate's continued relationship with his family, employer and community. The welfare of the family members and dependants of offenders, as well as of their victims, should be looked after.

The Probation/Welfare/ Rehabilitation Officer should be associated with the prisoner's welfare services at the prisons headquarter level.

#### **20.06 The Role of N.G.Os. /Industry Associations**

The participation of approved N.G.Os, in the rehabilitation programs should be extensively encouraged. Voluntary organizations, which wish to help the Administration in rehabilitation projects, should be given necessary financial and other help. Their services should be given due appreciation by the Head of Prisons Department.

The public should be educated about the need for rehabilitation of ex-prisoners through print and audio-visual media. And good work done by the prisoners in their day-to-day routine inside prison shall be also appreciated and highlighted in the media.

Continuous liaison should be maintained with the agencies/individuals which are willing to give employment to the released prisoners.

Companies that are required to spend 2% of their net profit on CSR activities under the Companies Act, 2013 should be encouraged to contribute funds towards rehabilitation of prisoners. Appropriate steps shall also be taken to facilitate tax deductibility of donations made for this purpose in terms of Section 80G of the Income Tax Act, 1961.

### **20.07 Scope of after-care assistance**

The scope of after-care assistance will be determined by the District Committee to be headed by District Officer nominated by District Magistrate and may include officers from Social Welfare Department, Industries, ITI and employment Department at district level and may include the following matters:

- (i) Subsistence money to cover initial expenditure after release, till such time as the released person reaches his/her family or obtains employment.
- (ii) Provision of food.
- (iii) Temporary accommodations till housing arrangements are made.
- (iv) Stay in a District Shelter/After-care Hostel/Special Home, wherever available.
- (v) Assistance in securing housing in urban areas.
- (vi) Assistance in securing apprenticeship in a workshop /technical institute /industry /trade.
- (vii) Supply of artisan's tools or trade equipment.
- (viii) Assistance in starting a cottage industry, any small business trade, a small or a stall.
- (ix) Assistance in getting employment.
- (x) Assistance in getting land, agricultural equipment, draught or milk cattle, and seeds for those opting to take up agriculture.
- (xi) Assistance in starting a small dairy, poultry, duck, or sheep farm/vegetable gardening/Sericulture/bee-keeping etc.
- (xii) Liaison with and assistance to prisoner's family during the period he/she is serving a prison sentence.
- (xiii) Help in maintaining continuity in relationship with family, neighbours, employers and community.
- (xiv) Preparing the family, employer and neighbours for receiving the individual after release.
- (xv) Guidance in getting married and setting up a home and resettling in life.
- (xvi) Liaison with local police so that he/she is not harassed unnecessarily.

### **20.08 Family or Marital Adjustments**

The following adjustments would be required: —

- (i) Explaining to the police the background and problems of the individual and getting help and cooperation from the police in the process of resettlement.
- (ii) Communicating to the Panchayat/Community Development authorities about the background, problems and needs of the released person. Getting the cooperation and help of the Panchayat, Community Development Officer, National Extension Service Worker, and Gram Sevak, in the resettlement of a prisoner.
- (iii) Reference to a Social Service Organization in the neighbouring area where the prisoner is likely to settle after release.
- (iv) Assistance in continuation of education and vocational training.
- (v) Creating interest in education and study. Motivating them to Acquisition and improvement of skills, healthy recreation, and constructive use of leisure.
- (vi) Encouragement in building good habits.
- (vii) Help in planning and balancing his budget.
- (viii) Encouraging thrift and savings. Making them leave costly habits.
- (ix) Medical treatment on long-term basis for tuberculosis, venereal diseases, leprosy and cancer, in an outside hospital.

- (x) Posting the released person under the care of a person or family interested in his welfare and resettlement.
- (xi) Protection from getting associated with anti-social groups, agencies of moral hazards (like gambling dens, drinking places and brothels) and with demoralized and deprived persons. Help in establishing contacts, acquaintance and friendship with reliable neighbours, co-residents or co-workers.

#### **20.09 Legal Aid and Protection**

The following aid and protection may be required:

- (i) Help in all matters relating to the resettlement and rehabilitation of the released person.
- (ii) The After-care agency should be closely associated with the planning of the after-care programme for the inmate.

The plan of after-care of a prisoner shall be subject to such changes as would be found necessary by the after-care service.

The Probation/Welfare/Rehabilitation Officer should intensify his work during the pre-release period. He should maintain all the prescribed records under the direction of the Superintendent.

After release from the institution, the case of a released person should be followed up for a period ranging from one to five years according to the requirements of each case.

The Probation/Welfare/Rehabilitation Officer shall establish follow up study through interviews or correspondence. A six-monthly report evaluating the released person's adjustments and resettlement should be prepared by him and copies of it should be sent to the correctional institution where the individual had undergone treatment and to the record branch in the headquarters organization.

The record branch in the headquarters should maintain all the case files and follow up reports according to the central indexing system.

#### **20.10 Formulation of Schemes**

The Industries and Employment Department of the Administration of UT Ladakh shall formulate schemes for the employment of released convicts in small scale industrial units.

Big industrial houses shall be bound to give preference in jobs to some percentage of released prisoners in the interest of the rehabilitation and social adjustment.

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## **CHAPTER XXI**

### **OPEN INSTITUTIONS**

**21.01** All Open and Semi-Open Institutions are intended to put into practice the contemporary ideology of reformation, correction and rehabilitation of convicted prisoners so that they may lead a self-disciplined and cultured life after their release. These institutions provide the prisoners opportunities of employment and living a life in the open. This restores dignity of the individual and develops in him/her self-reliance, self-confidence and social responsibility, which are necessary for his/her rehabilitation in the society.

#### **21.02 GENERAL PROVISIONS**

The below mentioned categories of prisoners shall not be eligible for transfer to any of the open institutions:

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- (a) Offenders classified as habitual, provided they have not earned a higher grade in the proposed progressive system.
- (b) Prisoners who are considered dangerous or are involved in serious prison violence like assault, outbreak, riot, mutiny or escape, or who have been found instigating serious violation of prison discipline.
- (c) Prisoners convicted for offences such as dacoity, terrorist crimes, and smuggling including those convicted under NDPS Act (commercial quantity), foreigners, escape risks and members of organized criminal gangs.
- (d) Prisoners committed for failure to give security for maintaining peace or good behaviour.
- (e) Prisoners suffering from mental illness.
- (f) Prisoners convicted of offences against any law relating to matters to which the executive power of the Union Government extends, unless approved by the Union Government.
- (g) Prisoners whose transfer is likely to have repercussions elsewhere in the country.
- (h) Facing trial in other cases.
- (i) Prisoners who have been transferred from an Open Prison to a Closed Prison.

#### **21.03 Selection/Classification Committee**

For the purpose of selecting prisoners for confinement in any Open Prison, there shall be a Selection /Classification Committee consisting of the following members: —

- (a) The Deputy Inspector General of Prisons or any other officer nominated by the Head of the Prisons department shall be the Chairman.
- (b) The Superintendent of the Jail from which the Prisoners are to be selected for confinement in an Open Prison.
- (c) Medical Officer of the concerned Prison.
- (d) Welfare officer of the concerned Prison or other officer in-charge of welfare work.
- (e) Superintendent In-charge of the Open/Semi-Open Prison.

The Selection/Classification Committee shall, subject to the provisions of these rules, prepare a list of prisoners and shall submit the same to the Head of the Prisons for his Orders.

The Selection Committee should thoroughly screen the case of each prisoner on the following points before recommending them for transfer to an open institution: -

- a. Physical fitness and mental health required for living in a semi-open or open institution.
- b. Behaviour and conduct in the prison.
- c. Number of paroles availed and his conduct during that period
- d. Progress in work vocational training and education.



- e. Group adjustability.
- f. Character and self-discipline.
- g. Verification of his address/relatives.
- h. Extent of Institutional impact (Whether the inmate has reached peak points of training and treatment).
- i. Whether the inmate can be further helped in the institution. Whether he will get benefit by training and treatment in Semi-open or Open Institutions.
- j. Whether the inmate is getting institutionalized.
- k. Sense of responsibility.

Note:

- (i) If there is no Semi-Open Training Institution or Semi-Open Institution, prisoners may be transferred directly to Open Institutions.
- (ii) Only such prisoners, whose behaviour and progress in the institution has been good, and who are fit for a regime based on trust, responsibility and self-discipline, shall be considered for transfer to a Semi-Open or Open Institution.

#### **21.04 Transfer**

Transfer to Semi-Open and Open Institutions will be governed by the following guidelines:

- (i) **Transfer to Semi-Open Institutions**  
 On completion of seven years of actual imprisonment in case of a life convict, and one-fourth of sentence in case of other convict, but subject to not more than half of the sentence, the Selection/Classification Committee shall examine in detail, the case of every convict on the points mentioned in 21.03 above.  
 If the Selection/Classification Committee is of the opinion that the inmate is fit for being transferred to a semi-open institution, a report in the prescribed form shall be submitted to the Inspector General. On receipt of sanction from the Inspector General, the inmate should be oriented to his new responsibilities in a semi-open institution.  
 On admission at Semi-Open Institution, the inmate should be kept in the reception yard for at least six months. During this period, he should be further acquainted with the requirements of living standards, standards of behaviour under Semi Open conditions, basic education and work skills.  
 A programme suitable for the inmate's training should be organized at the Semi-Open Institution. He should be given necessary facilities to further improve his educational and cultural level and vocational skills. Suitable work should be given to him so that he may further improve his work habits and skills.
- (ii) **Transfer to Open Prisons (Open Institutions)**  
 On completion of three fourth of sentence /imprisonment in case of a life convict, or in the case of a convict sentenced to seven years of imprisonment or more after the convict having undergone half of the sentence, excluding remission as a convict, the Selection/Classification Committee shall examine the inmate's case for being transferred to an Open Institution. If there is no Semi-open or Open Institution, a prisoner may be transferred directly to an Open Colony after completion of 13 years stay in a closed Institution with remission in case of a life convict, or on completion of three-fourth of the sentence in the case of other convicts. If the Selection/Classification Committee is satisfied that the inmate is fit for a transfer to an Open Prison, a report in the prescribed form, along with the inmate's case file, shall be forwarded to the HoPD. On receipt of sanction from the Headquarter, the inmate shall be transferred to an Open Prison.  
 Inmates should initially be treated in Semi-open Institutions and then in Open Institutions.  
 Before being transferred to an Open Institution, the inmate should be informed about the requirements and responsibilities of living in the new institution. On admission at these institutions, the inmate shall be kept in the reception yard under observation. During this period,

he should be further oriented to institutional standards of behaviour and other requirements of institutional life.

The conditions which an inmate shall have to observe at these places should be laid down. Before being transferred to these institutions, the inmate will be required to sign a bond prescribed by the HoPD.

Minimum standards, as prescribed for the Closed Institutions, regarding accommodation, equipment, sanitation, hygiene, medical services, diet and welfare services, shall be maintained at each Semi-open Institution and Open Institutions. These institutions should have good communication and transport facilities. Emergency equipment shall be provided in accordance with the requirements of each institution.

Security arrangements in these institutions should be established in a way that the possibility of escape gets minimized and a sense of security prevails in the neighbouring community.

Prisoners who do not respond properly to the standard of discipline in these Institutions shall be transferred back to Closed Institutions.

The programs at these institutions should be very carefully planned so that the inmates remain occupied in useful activities. Special attention should be devoted to:

- (i) Care and welfare of inmates.
- (ii) Individual attention to inmates' problems.
- (iii) Education, work, vocational training and cultural activities.
- (iv) Self-discipline and character training.
- (v) Release planning, pre-release preparation, and after-care.

Wages should be paid as prescribed by the Administration. The wages at Semi Open institutions and Open Institutions may be higher than those at the Closed Institutions.

Inmates should be encouraged to maintain their family contacts. The Superintendent may use his discretion in granting the facility of additional letters and interviews according to the merits of each case.

While an inmate is living in open conditions in a Semi-Open or Open Institution, he/she may be allowed to stay with his family members for one week every six months. Arrangements for such stay may be made in a family hutment in a suitable place outside the Semi-Open or Open Institution. These huts may be so located that the inmate and his family members get the required privacy while at the same time the requirements of discipline and security are also fulfilled. The period of stay in the family hutments shall be treated as leave period and shall count towards the sentence.

Note. —Such a periodical stay with his family will be helpful in keeping the inmate close to his family group. This concession should, however, be granted on a selective basis and after a thorough study of each inmate's case. Initially this concession should be tried on an experimental basis. In due course, and after having gained enough experience, it may be further developed to suit local conditions.

Inmates working in open conditions in Semi-Open Prisons will get concessions/remissions as permissible under the relevant chapter.

The Superintendent should examine the case of every inmate at least once in three months.

## **21.05 Personnel**

Only personnel who have the capacity for handling inmates under Semi-Open or Open conditions and have the requisite calibre and leadership for imparting training and treatment in these conditions should be posted at these Institutions.

Unless they volunteer to do so, personnel shall not be required to remain at these institutions for more than two years at a time. The staff posted at these institutions shall be given an additional allowance to be fixed by the Administration.

**21.06 Semi-Open Institutions**

Prisoners shall mainly be employed in suitable industries, agriculture and allied work including office work of casual nature. Emphasis shall be laid on programs like literacy project, social education, cultural and recreational activities;

Inmates will be gradually relaxed from the condition of closed prison in the beginning to that of an Open Institution in the final stage.

**21.07 Open Institutions**

In open prisons, emphasis shall be on work, literacy projects, social education, training in agriculture and allied need-based fields having present day demand and cultural activities.

Note. —However other relevant provisions as applicable to the Prisoners in closed Prisons shall also apply to the Prisoners of open-air Institutions

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## **CHAPTER XXII**

### **UNDER TRIAL PRISONERS**

#### **22.01 Classification of under trial prisoners**

The classification of under trial prisoners shall be done only on the basis of security, discipline and institutional program. No classification on the basis of social status should be attempted. The entitlement of diet, clothing, bedding and interview will be the same as applicable to other categories of prison. Under trial prisoners should be classified as under: —

- (i) Category-A (Red): Fundamentalists, Naxalites, extremists and terrorists or any other individual characteristics warranting confinement in Security Zone-1.
- (ii) Category-B (Blue): Gangsters, hired Assassins, dacoits, serial killers/rapists/violent robbers, drug offenders, habitual grave offenders/communal fanatics and those highly prone to escapes/previous escapees/attack on police and other dangerous offenders/including those prone to self-harm/posing threat to public order, warranting confinement in Security Zone-2.
- (iii) Category-C (Yellow): Those who do not pose any threat to the society, upon release, like those involved in murders on personal motives, other bodily offences, theft/property offences, prohibition offences, other special and local laws, railway offences and other minor offences.

Note:-

- (i) Persons suffering from mental ailments and young offenders shall be lodged separately.
- (ii) Courts will send intimation to prison authorities about under trial prisoners who have turned approvers or have made confessions.
- (iii) An accused person detained under provisions of the Criminal Procedure Code to give security, must be treated as an under-trial prisoner until his case has been decided by the Sessions Court or High Court.

#### **22.02 Admission**

An Assistant Superintendent shall be in charge of all work pertaining to under trial prisoners.

No person shall be admitted into a prison as an under-trial prisoner unless accompanied by the following documents:

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- (a) A remand warrant in the prescribed form, signed dated and sealed by the competent authority along with affixed photograph. There should be separate writ, warrant or order for every prisoner, even if two or more prisoners have been jointly accused;
- (b) Identification roll containing at least two specific permanent identification marks like deep scars, birth marks, moles indicating their exact location on the body;
- (c) A brief History and case details of the accused in a separate note to be furnished by the Police at the time of admission ;
- (d) Medical report/certificate in favour of the accused from Government Hospital.

Discrepancies in remand warrant. —The officer on duty is authorized to refuse admission of an under trial prisoner in whose case the remand warrant is not sent in the appropriate form or the warrant is found to contain (i) discrepancies in name or identification, (ii) omissions of the signature and seal of the competent authority. In such a case, a report should be sent to the authorities concerned.

Children.—Children of women under trial prisoners up to six years of age may be admitted if suitable arrangements for their care cannot be easily made outside.

Food. —If an under trial prisoner has not been in the prison previously, it is the duty of the police, or the military escort officer, to see that the under trial prisoner is given food before he is taken to the prison, if he is likely to arrive there too late for the prison meal. If the police or military escort reports that the under trial prisoner has not been supplied with food, prison authorities shall make necessary arrangements for the issue of food to him. In case the under trial prisoner is admitted after the prison meal have been served, or after lock-up, food stuff like rice, vegetables or pulses etc., shall be issued to him as per prescribed scale.

### **22.03 Admission hours**

- (a) Under trial prisoners should be admitted during usual working hours of the prison. Prisoners received after the lock-up hour should be confined in a separate place specially earmarked for such purpose. New admissions—Remand prisoners, Undertrial, Civil or Convicts shall be always received by or before lock up only. Lockup and Lock-out timing are subjected to change periodically (depending upon the time of sun set and sunrise) to be decided by the Jail Superintendent.
- (b) While under trial prisoners are being escorted, care should be taken to see that they reach the destination before the lock-up hour. If under trial prisoners are likely to reach the destination after lock-up hour, the transferring prison or sub-prison or the police or military officials should send sufficient advance intimation to the prison where the under trial prisoners are being escorted.
- (c) It is the duty of every prison officer to endeavour to ascertain whether an under trial prisoner has been previously convicted. Such information, as and when it is available, should be immediately forwarded to the Superintendent of police for necessary action.

### **22.04 Approvers**

When an under trial prisoner has been admitted by the court as an approver or a confessing accused he should be kept separate from others concerned in the same case. Where there are separate cells or compartment in the under trial ward, these should be utilized for the purpose. If there is no separate compartment, such prisoners may be kept in separate cells by day and in separate wards by night, but care must be taken that they are not kept in solitary confinement. Any special direction as to the separation of an under trial prisoner given by the Judge or Magistrate should be carried out. Such separation should be unaccompanied by any irksome condition beyond those necessary to secure the object in view, namely, to prevent him from communicating directly or indirectly with other prisoners concerned in the same case.

### **22.05 Identification for court purposes**

Under trial prisoners shall not be allowed to cut or shave their hair on their heads or faces or in any way to alter their personal appearance, so as to make it difficult to recognize them. They shall not, however, be prevented from changing their clothes, provided that their appearance is not materially altered when they are presented for identification in the prison or sub-prison, or when sent to court for trial; under trial The police shall give intimation to prison authorities of cases in which identification of prisoners is to be carried out and shall give full description of growth of hair, moustache, beard, etc., which the under trial prisoners had at the time of arrest and the initial Photograph at the time of admission. Test identification should be held as per rules framed for this purpose.

### **22.06 Police Interrogation**

Only such police officers as have been authorized by the Judge or Magistrate, shall be allowed to interrogate an under trial prisoner while in prison custody. Such interviews shall be held in the presence and within the hearing of a prison official nominated by the Jail Superintendent.

### **22.07 Facilities**

The following facilities shall be extended to all under trial prisoners:—

- (a) Legal defence ;
- (b) Interviews with lawyers or family members (for legal purposes).

Note.— The Superintendent of Jail may carefully select well-behaved prisoners to avail family interview after giving due consideration to security and other aspects.

- (c) Signing Vakalatnama;
- (d) Delegation of power of attorney;
- (e) Execution of will;
- (f) Essential religious necessities as per rules;
- (g) Applications to courts for legal aid at Government cost as per provisions of law;
- (h) Other applications to courts;
- (i) Applications to Legal Aid Societies/Legal Aid Service Authority for free legal aid.

And such other facilities, as are sanctioned by the Administration/Head of Prisons Department shall also be extended to under trial prisoners.

#### **22.08 Food**

Food from outside may be allowed subject following conditions:—

- (a) A written undertaking shall be given by the under trial prisoner and the supplier of food that they are entirely responsible for the wholesomeness of such food and that prison administration will not be responsible for any mishap that may happen. Food for only one day's requirement of the under trial prisoner shall be allowed at one time. Food articles will be tasted by the person who delivers the food at the time of Interview. During emergencies or epidemics or for reasons of health of the under trial prisoner, outside food may be disallowed. The Superintendent has the authority to disallow or discontinue this concession at anytime.
- (b) Prisoners allowed to receive outside food, shall not be given prison food.
- (c) Prisoners should not be allowed to cook their food separately in the institution.

#### **22.09 Clothing**

Usual private clothing to meet reasonable requirements should be allowed to under trial prisoners. Such articles of clothing as will affect the security requirements of the institution should not be allowed. An under trial prisoner who has no sufficient clothing of his own may be provided with the same at Government cost at the prescribed scale as decided by the Superintendent Jail. Such clothing may be allowed to be retained by the under trial prisoner even after his release. Private articles bearing marks or symbols of political affiliations shall not be allowed to be kept or used by under trial prisoners.

#### **22.10 Letters**

On the initial admission of a prisoner, a printed card should be sent at Government cost to his family. This card should contain information on the following points; the inmate's institutional number and address, brief summary of rules regarding interviews, letters, etc. Superintendent Jail may use other means of communication to inform the family on the above aspect.

Four letters per calendar month, shall be allowed to be written by an under trial prisoner.

Additional letters for legal purposes such as arranging defence, bail, and security may be allowed normally at the prisoner's own cost, Under trial prisoners may be allowed to purchase from the prison canteen, a reasonable supply of stationery and writing material, if he/she so desires.

#### **22.11 Interviews**

When a legal adviser desires an interview with an under trial prisoner, he shall apply in writing, giving his name, address and profession and satisfy the Superintendent as to his bonafides. Every interview between an under trial prisoner and his legal adviser shall take place within the sight but out of hearing of a prison official. One interview per calendar week with family members or relatives or close friends may be allowed. In deserving cases additional interviews for legal purposes may be granted in the discretion of the Superintendent. Under trial prisoners should not be granted interviews with convicted prisoners unless they are very close relatives.

#### **22.12 Canteen**

An under trial prisoner shall be allowed to make purchases from the canteen up to amounts of Rs. 1000/- per week or as may be fixed by the Administration/HoPD.

#### **22.13 Production before court**

The responsibility of escorting of prisoners to courts and allied purposes rests with Police Department. An under trial prisoner shall be produced before the court, on the due date of hearing, in person. However, for extension of detention in custody, the prisoner may be produced before the court either in person or through electronic media like, video-linkage etc. For this purpose a court diary shall be maintained in which all relevant entries of production before various courts shall be made. These entries should be made daily by the officials concerned and should be daily supervised by the officer in charge of under trial work.

Remand prisoners are to be produced before the competent judicial magistrate on expiry of judicial remand by-through the investigating agency only/police station concerned, pending presentation of challan in the competent court. In no case, the Superintendent of Jail has any responsibility to produce the remand prisoner before any judicial magistrate in person after expiry of remand period.

#### **22.14 Requisition of escort**

On the basis of the court diary, requisition for police escort should be sent sufficiently in advance. Information about women, adolescent, juvenile under trial prisoners and as far as possible about violent, dangerous and notorious under trial prisoners should be sent to the police authorities while requisitioning the escort. For every Jail, adequate police personnel with appropriate and sufficient transport facilities be provided for escorting under trial prisoners during their production before Courts, treatment in outside hospitals or transfer from one institution to another.

#### **22.15 Sick prisoners**

If an under trial prisoner is sick and the Medical Officer certifies the prisoners inability to attend the court, he should not be produced before the court. In such an event, the medical certificate should be forwarded to the court.

#### **22.16 Feeding**

Before under trial prisoners are sent to the court, the usual morning meals should be served.

When a prisoner is sent for court hearing outstation, the food charges as per expenditure on diet scale plus 20% extra without fraction, shall be borne by the Prison authorities.

#### **22.17 Articles allowed to be taken while going to the court**

While going to the court, the under trial prisoner should return all prison articles issued to him. Excepting clothes on his person and papers pertaining to his case, the under trial prisoner shall not be allowed to carry any other articles with him.

In case the under trial prisoner wants to take his cash for legal purposes, the same should be forwarded to the court through the police escort. This amount may be utilized by the under trial prisoner under orders of the court for purpose like legal defence, cost of copies, etc. The disposal of this amount should be

certified by the police and the prisoner in the appropriate column of the register prescribed for such purpose. Under no circumstances, should the under trial prisoner be allowed to carry cash or valuable, if any, on his person.

#### **22.18 Search**

Before being sent to the court, and after having been received back from the court, all under trial prisoners shall be thoroughly searched.

#### **22.19 Transport**

For transporting under trial prisoners to and from the court and other destinations, necessary arrangements for conveyance shall be made by the police authorities. If not a separate conveyance, the common conveyance should at least have separate compartments for women under trial prisoners and young under trial offenders.

#### **22.20 Handcuffing**

No handcuffing is allowed while taking the prisoner out of the Prison for Court hearing, transfer from Jail to another and other allied purposes. This should be resorted to when there is no other reasonable way of preventing escape of the prisoner, in the given circumstances and that too by the orders of the Court.

The following categories of under trial prisoners may be handcuffed for reasons recorded in writing and with approval of the court:-

- (a) Prisoners involved in serious and violent offences ;
- (b) Prisoners having notorious or dangerous background ;
- (c) Violent, aggressive and refractory prisoners ;
- (d) Prisoners who have previously escaped.

Handcuffing of under trial prisoners may be done in the court premises with the written permission of the court.

#### **22.21 Court Premises**

The police escort shall not allow any eatables or prohibited articles to under trial prisoners during their journey between the court and the prison or on the court premises. Under trial prisoners should be thoroughly searched before being taken to the court room.

#### **22.22 Return to the prison**

As soon as the court work is over, such under trial prisoners as have been remanded to prison custody should be brought back to the prison immediately.

On return of an under trial prisoner from the court to the prison gate, if any unauthorized article is found or a special circumstance or an irregularity is noted by the prison officer on duty, he shall forthwith report the matter to the senior officer on duty and if necessary, to the District Superintendent to Police for action. Such cash as is brought by the police escort should be recorded in the register and deposited in the prison office under intimation to the under trial prisoner.

#### **22.23 Production of under trial prisoners in other States**

When an under trial prisoner is required to be sent to another State for trial, the UT of Ladakh from where the under trial prisoner is sent should arrange for the escort. Travel and other incidental expenses of the escort and of the under trial prisoner should be borne by the Police of dispatching destination.

#### **22.24 Production of under trial prisoners before court in civil suit proceedings**



Unless ordered by the District Judge, no under trial prisoner shall be produced before court for civil suit proceedings.

#### **22.25 Prevention of undue detention**

An under trial prisoner whose case is being tried by a Magistrate shall be produced before the Magistrate at least once in fifteen days for the purpose of further order. Upon the expiry of each period of remand, the prisoner shall be placed before the Magistrate.

A statement in the prescribed form showing details of under trial prisoner whose cases have been pending for more than three months should be sent on the fifth day of each month to the Sessions Judge or District Magistrate with relevant extracts to the court concerned.

#### **22.26 Additional Cases**

When additional case/cases are pending against a prisoner, the following action should be taken:—

- (a) Entries of additional cases in red ink on the remand warrant in appropriate columns of under trial register and court diary should be made;
- (b) Intimation to the court/courts concerned about pending cases stating whether the prisoner is on bail or not in connection with that case or those cases should be sent;
- (c) Intimation to police escort in the prescribed form should be sent.

When an under trial prisoner is wanted for trial in another case/cases for which he is not on bail, the court concerned will issue separate remand warrants. In the event of grant of bail in the second case or other cases, due intimation shall be sent by the courts to the prison authorities;

When an under trial prisoner confined in a prison or sub-prison is required for another case/cases for which he is on bail, the court concerned will duly intimate the prison authorities.

In the case of an under trial prisoner having two cases pending against him, for which he is not on bail, an endorsement in red ink should be made each time he is sent to the court.

#### **22.27 Discipline**

No convicted prisoner shall be kept in the same area in which under trial prisoners are kept, except who has been detailed by Prison authority for day and night watch inside Barrack as Barrack Nigran and reporting and be not allowed to have extra contact with under trial prisoners. Except prisoners working in essential prison services like conservancy, etc. no convicted prisoner shall be allowed to enter the undertrial yard or block. As soon as the work is over, these prisoners should be withdrawn from the yard or block. In all matters where under trial prisoners are concerned, no convicted prisoner shall be used for supervision or similar purpose. All such matters should be handled by staff members.

#### **22.28 Work**

Under trial prisoners shall clean the yards, barracks and cells where they are kept. Under trial prisoners should be detailed for this work. Such work may be allotted on a group basis, so that through the cumulative work of all the under trial prisoners, the yards, barracks, cells will get cleaned up. It will also be incumbent on all under trial prisoners to keep their own clothing, bedding and equipment properly washed, cleaned, and disinfected.

If under trial prisoners and other type of non-convicted prisoners including detunes volunteer to work, suitable work, if possible, be given to them. Full wages may be paid to them according to schedules of standard tasks and wages as fixed by the administration. Employment of under-trial prisoners on extramural

work is strictly prohibited. In no case, should under trial prisoners be employed outside their own enclosure or in work-sheds and areas where other convicted prisoners are working.

#### **22.29 Transfer**

During an emergency or on administrative grounds, the HoPD is authorized to transfer under trial prisoners from one prison to another, provided that if a prisoner is transferred to a place outside the jurisdiction of the court concerned, prompt intimation should be sent to the court. The prisoner shall be produced before the court on the due date.

#### **22.30 Serious Illness**

When an under trial prisoner is seriously ill, the Superintendent shall send a report, along with a medical report, to the court concerned in order that if the law permits and the court thinks fit, the prisoner may be released on bail.

#### **22.31 Transfer to an Outside Hospital**

When the Prison Medical Officer recommends that in the interest of the health of the under trial prisoner, he should be transferred to a hospital outside the prison, immediate action should be taken and the matter reported to the court concerned.

#### **22.32 Death**

The death of an under trial prisoner shall be promptly reported to the court and other concerned agencies as required.

#### **22.33 Conviction**

When an under trial prisoner is convicted, the officer in charge of under trial prisoners shall hand over all connected papers and records together with cash and private property if any, to the officer in charge of admission of convicted prisoners who will attend to the usual routine in this respect. On conviction, an under trial prisoner should be transferred to the yard meant for newly admitted convicts.

#### **22.34 Release**

##### **(i) Release from the court**

When an under trial prisoner is discharged or released from the court, an endorsement to that effect will be made by the court in the prescribed form. On receipt of such intimation, entries in the appropriate columns of the under trial register shall be made;

If the under trial prisoner is released from the court he should claim his personal property if any, from the prison authorities within three months, failing which the same should be forwarded to the police for disposal.

##### **(ii) Release from prison**

Release orders and bail bonds will be sent through Police, post or through the peon of the court. On receipt of a bail bond or release order prompt action should be taken.

#### **22.35 Release Procedure**

While releasing an under trial prisoner the officer in charge shall attend to the following points:—

- (a) Scrutiny of the bail bond or release order with relevant original papers and record ;
- (b) Checking whether any other case is pending against the under trial prisoner ;
- (c) Checking of the identity of the under trial prisoner ;
- (d) Handing over of the cash and property of the under trial prisoner;

The under trial prisoner shall be informed of the contents of the bail bond prior to his release.

If the under trial prisoner has not got sufficient money, he/she may be given travel warrant and if his/her journey home is likely to take more than 12 hours; he may be given subsistence money.

After release the bail bond should be duly returned to the court concerned along with a certificate of release.

### **22.36 Women Under trial Prisoners**

Women under trial prisoner shall be escorted by women police. As far as is practicable, separate conveyance should be provided for the transport of women under trial prisoners.

Women staff members shall be in charge of women under trial prisoners. The Lady Assistant Superintendent or Female Head Warder should be present at the time of admission and release of women under trial prisoner. She should attend to all work pertaining to the women under trial prisoners.

As far as possible, women under trial prisoners should be handed over to their relatives after release. If this is not possible, a woman police or woman prison guard should escort the released woman under trial prisoner to the nearest station or transport bus stand.

### **22.37 Foreign Under trials**

Foreign under trial prisoners are also to be permitted consular access in accordance with the international convention.

As regards to the facilities to contact with the family members etc., the rules provided in the relevant chapter of this manual will apply. However such facilities may be denied on the written orders of HoPD if a case so warrants.

### **22.38 Daily Routine and Programme For Under trial Prisoners**

Daily Routine is enumerated as under:-

#### **Early Morning**

- Toilet,
- Meditation,
- Preparation for opening;
- Unlocking according to conditions of visibility counting;
- Search,
- Leaving the barrack or cell;

#### **Morning**

- Toilet,
- Prayers;
- P.T. drill as well as individual and group exercise on voluntary basis;
- Morning light meal;
- Cleaning of barracks cells, yards, open spaces;
- Cleaning of equipment;
- Work on voluntary basis;

- Educational classes,
- Washing of clothes and bath,
- Meal and rest.

#### Afternoon

- Newspapers, library books, Educational classes;
- Social education,
- Toilet;
- Games and recreation for one hour according to institutional facilities.

#### Early evening

- Wash,
- Evening meal,
- Preparation for lock up Counting;
- Search;
- Lock- up at sunset till dusk.

#### Evening

- Reading newspapers, library books,
- TV/Radio music,
- Meditation,
- To bed.

### **22.39 Programs on Sundays and Prison Holidays**

On Sundays and prison holidays the following routine shall be followed subject to adjustments to suit local conditions:-

#### Early morning

- Toilet,
- Meditation,
- Preparation for opening.
- Unlocking according to conditions of visibility Counting.

#### Morning

- Toilet,
- Exercise,
- Light meal :
- General cleaning of barracks, cells open spaces,
- Cleaning of equipment.
- Washing of clothes and bath.
- Inspection of equipment, Meal and rest.

#### Afternoon:

- Educational Films: As per schedule for each group and in accordance with institutional facilities.
- Group Music, Newspapers, Library books, radio/TV Toilet, Games (one hour).

#### Early evening:

- Wash,
- Evening meal,
- Preparation for lock up counting.
- Search.
- Lock-up at sunset till dusk.

#### Evening

- Reading newspapers, library books,
- TV/Radio music,
- Meditation,
- to bed.

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## **CHAPTER XXIII**

### **HIGH-RISK OFFENDERS AND DETENUESSS**

**23.01** High risk offenders, including prisoners classified under categories A and B (indicated below), will be lodged in separate enclosures demarcated as high security enclosures within the existing prisons or if possible in separate high security prisons with the lodging capacity of **50-100** inmates. Under no circumstances should the High risk offenders be kept with other under trial prisoners and convicts. The support from Police and CID Personnel should also not interfere with the management of the Institution or unit in a professional way.

#### **23.02 Classification of High risk offenders**

All prisoners, including under trials and detunes, shall be classified into following categories to determine the level of security for effective surveillance, safe custody and prevention of escapes:

- (i) Security Category-A (S1-Red): Fundamentalists, Naxalites, extremists and terrorists, foreigners or any other individual characteristics warranting confinement in Security Zone-1.
- (ii) Security Category-B (S2-Blue): Gangsters, hired Assassins, dacoits, serial killers/rapists/violent robbers, drug offenders, habitual grave offenders/communal fanatics and those highly prone to escapes/previous escapees/attack on police and other dangerous offenders/including those prone to self harm/posing threat to public order, warranting confinement in Security Zone-2.
- (iii) Security Category-C (S3-Yellow): Those who do not pose any threat to the society, upon release, like those involved in murders on personal motives, other bodily offences, theft/ property offences, prohibition offences, other special and local laws, railway offences and other minor offences.  
The above three categorization shall be done on the basis of the inputs provided by the police/intelligence agencies at the time of admission.
- (iv) Security Category-D (S4-White): Prisoners who are eligible for Open Prisons.
- (v) Security Category-E (S5-Green): Elders, sickly, students, etc.

The above categorization shall be done by the prison authorities.

#### **23.03 Building Structure**

High security enclosures/prisons should have a thick outer masonry wall at least 20 feet in height, with watch towers at all its comers and one central tower within the enclosure. The enclosures/prisons should be provided with anti-tunnelling slabs and all spaces open to the sky should be covered with iron grill. These enclosures can be divided into security zone grade-I and security zone grade-II.

Security zone grade I should have a cellular type of accommodation with a minimum space of 10' x 9' which will have the facility of an inbuilt WC and bath and a strong dividing wall. Front portion of cells should be of iron grill, the flooring should be of RCC slab, high ventilators should be provided instead of windows. The building should have a separate entry lobby with visitors' room on one side, MI room, and food distribution room. The hardcore militants, terrorists, professional killers, habitual offenders of heinous crimes, violent and dangerous prisoners and prisoners who pose great threat of escape will be lodged in security zone grade I.

Security zone grade II will have a single room accommodation (cellular and the association barracks). This accommodation can be of **16'x 9'** size where two or three prisoners can be lodged at a time. The barracks should have a maximum capacity of lodging 10 to 15 prison inmates. They should also have an inbuilt toilet and bath. The size of one barrack can be **27'x10'**. This security zone can have a common kitchen. Security zone

grade II will also have a separate entry lobby; the space open to the sky should be covered with iron grills.

The building pattern should be oval and covered with watch towers on all sides. In this zone, first offender militants and terrorists both convicts and under-trial prisoners, who pose lesser threat of escape, can be lodged.

#### **23.04 Staff Pattern**

Well trained staff should be detailed for watch and ward duty of High Security enclosures. An officer not below the rank of Deputy Superintendent or Sr. Assistant Superintendent should be in charge of these enclosures. Provisions should be made that no staff on duty comes in direct contact with the prisoners except as a requirement of duty.

#### **23.05 Facilities (Interviews, Letters, Communication)**

High-risk offenders will enjoy all the facilities admissible to the under-trial prisoners or convicts, but the interviews will be held in the presence of an officer. It will be advisable if close circuit televisions with sound recording facilities are fitted in the interview room. Moreover the room should be near the entrance lobby and within the high security enclosure. In any case, high risk offenders will not be allowed in the main interview blocks. Interviews should be allowed with only blood relations and authorized lawyers. All letters should be properly censored.

#### **23.06 Food, Toilet, Clothing and Bedding**

No cooked food from outside shall be allowed for high risk offenders. No individual shall be allowed to cook for himself. However, the high risk offenders can have a common kitchen. No under-trial, detunes or convict should be allowed to enter the high security enclosure. Admissibility to toilet articles, clothing and bedding shall be the same as that given to other under trials and convicts.

#### **23.07 Medical Care**

Medical care shall be the same as for other inmates but within the enclosures of the in built Medical Intervention (MI) room. In case of an emergency only, they can be shifted to the local hospital for treatment but under proper police escort and guard; under intimation to Head of Prisons Department.

#### **23.08 Sports, Games and Recreation**

Subject to prison security and discipline, prisoners lodged in grade I security zone can be provided with books, newspapers and journals. Writing material can also be provided as and when required. If possible, TV/Radio sets can be provided outside the cells with such restrictions as found necessary from the view point of security. Regular physical exercise and yoga can be allowed within the cell itself. Prisoners can be allowed to stroll within the place inside the block in the evening before being locked-up.

Similarly, prisoners lodged in security zone grade II can be provided with radio and television in their barracks, indoor games like carom and chess can be given to them. Books, newspapers, journals and magazines along with stationary can be provided to them. At intervals, seeing their behaviour, cultural programs can also be allowed.

#### **23.09 Canteen Facility**

High risk offenders may be allowed to avail of canteen facilities only if adequate security precautions are taken to prevent toward behaviour.

#### **23.10 Reform and Treatment Programs**

The reform and treatment programs can be extended to the prisoners lodged in the security area grade II. Minimum technical education with primary focus on handicraft work should be given. Basic education should form an essential part of the program.

These activities and programs should be conducted as far as possible within the enclosure itself. These prisoners shall not be taken out to mix with other inmates.

### **23.11 Security**

A double ring of security shall be provided to all security enclosures. Inner security of the enclosures should be manned by highly trained staff of the prison, while the outer security, including the watch towers and security wall, should be the duty of a special armed guard.

The enclosures should be equipped with walkie-talkies, alarms and jammers and state-of-the-art electronic surveillance system of interception and interruption:

- (i) ID machines hand-held and doorframe metal detectors and all other electronic devices should be made available.
- (ii) The armoury of the prison should be well equipped with all types of sophisticated and automatic weapons.
- (iii) Every barrack and cell, especially the interview room, shall be fitted with closed circuit T.V. Cameras.
- (iv) The sentries guarding the watch tower shall always be alert.
- (v) A no man's area should be identified near the high security enclosures which shall not be accessed by any prison inmate and the staff, except those who are detailed for duties.
- (vi) Proper search of barracks, cells and prisoners should be conducted every day. The high security prisoners of category 'I' and 'II' should be searched twice a day whereas category 'III' at least once a day.
- (vii) The locking up and opening should be conducted in the presence of the officer in charge and no barrack cell should be opened during night hours except in the presence of the Superintendent of the Jail/Dy. Superintendent.
- (viii) Besides checking the locks, bars, grills, mess, ventilator, floors, walls of barrack, bathroom, kitchen and cells, its ceiling should also be checked.
- (ix) The guards posted in the yards of the enclosure should not hold conversation with each other more than what may be required to perform their duty. The entrance door of the yard should always be kept locked from inside.
- (x) The keys of the locks of the cells/barracks doors shall always be carried by the person entrusted with the duty. They shall under no circumstances be handled by any unauthorized person.
- (xi) The cells and barracks should be well lighted to avoid dark spots and corners inside.
- (xii) The guard on duty should be thoroughly searched while going in and coming out. He should be briefed adequately from time to time about non acceptance of articles like eatables, articles for smoke, even water from these prisoners.
- (xiii) The inmates of high security enclosures should be counted at least once in a day besides the counting done during locking up and opening.
- (xiv) Necessary gadgets such as breath analyzer, canine unit, etc. may also be procured and utilized to check any breach of prison discipline.

### **23.12 Court Hearing**

Video linkage should be provided to these high security enclosures. In any case no under-trial, convict or convict officer or detainees should be allowed to enter these enclosures. The regular prison staff or the



paramedical staff will not have access to these enclosures unless they are accompanied by the officer in charge of the block. A proper record of the officials allowed shall be maintained at the entrance of the enclosure.

### **23.13 Convicts for Rigorous Imprisonment**

High risk offenders who are undergoing rigorous imprisonment, will do all sort of work assigned to them inside the security enclosures.

### **23.14 Punishment**

All high risk offenders can be punished by the Superintendent in case of breach of discipline and security of prison in the manner set forth in Chapter Prison Discipline of this Manual. The Superintendent may take appropriate legal action against such prisoners and in case a high risk offender commits an offence which is punishable under any law in addition to being a prison offence, appropriate criminal process may be initiated against him by moving the local police station. In addition to the major and minor punishments provided in **Chapter XX**:

- i) If a high risk offender commits frequent breaches, the Superintendent can recommend his shifting to any other prison to the HoPD.
- ii) Facilities like interviews/letters/canteen facilities can be withdrawn for a limited time, or otherwise.
- iii) For feature of earned remission and any other punishments as laid down by the HoPD may also be imposed.

## **DETENUS**

### **23.15 Classification**

Detenu may be divided into Special, class A, class B, and class C according to their high official rank, stature in life, public importance, education, reputation, status in society and the standard of living to which they were accustomed immediately before their detention. A Special class detenu shall be entitled to such amenities, privileges and concessions as the administration may specify.

The administration may decide the class in which a detenu shall be placed provided that when the administration do not specify the class in which a detenu is to be placed, he shall be deemed to have been placed in 'C' class (normal class).

Illustration:-

- i. A detenu if facing trial in any case in any court of law, shall be kept under Détentes Category.
- ii. If a detenu is convicted for any offence in any other case by a competent court whose period of imprisonment shall be more than the detention period, his case for revocation of detention is to be forwarded to the Administration and he shall serve Prison sentence as convict alone.
- iii. If a foreigner apprehended and detained under section 3 of Foreigners Act, 1946 is sentenced to a term of sentence, the period of detention under section 3 of the Foreigners Act shall be exclusive of an additional to the period of imprisonment passed upon him.

### **23.16 Accommodation**

Detune may be kept in single rooms or association barracks, separate from ordinary prisoners. The Jail Superintendent shall always have the power to confine any particular detent separately if he considers it desirable to do so on grounds of health or for administrative or other reasons.  
See Appendix-22& 23 for this chapter.

### **23.17 Food and toilet**

Admissibility of the scale of food and toiletries shall be same as in case of Convicts and Under trials.

**23.18** Cooked food shall be allowed to be imported from outside the place of detention only with the permission of the Superintendent.

### **23.19 Clothing etc.**

The Superintendent may spend every three months a sum not exceeding what may be specified from time to time for each class of detenus for the purchase of clothes, bed sheets, pillow covers, bath towels, shoes and chapels for a detenu of that class.

Where the Superintendent is satisfied that due to climatic conditions of a place where a detenu is kept, the sum specified above for a period of three months is insufficient, he may spend such additional sum during the said period of three months as he may consider reasonable but such additional sum shall be adjustable against the sum admissible for the next three months.

A detenu may intimate to the Superintendent his choice of the quality and quantity of these articles, as far as these may be reasonably convenient to supply provided that the total cost of articles including tailoring charges chosen shall not exceed the amount which the Superintendent is permitted to spend.

If the Superintendent is satisfied that a detenu has already been supplied with sufficient clothes and sufficient number of shoes or chapels and that they are in good usable condition; additional clothes or shoes or chapels shall not be supplied to him. If the Superintendent entertains any doubt in the matter, he may refer it to the HoPD for appropriate directions.

### **23.20 Bedding**

A detenu who is unable to provide himself with sufficient bedding shall be supplied actually with articles of bedding at Government cost.

A detenu may intimate to the Superintendent his choice of the articles of bedding provided that the total cost of the articles so chosen by him shall not exceed the amount specified for his class. Articles of bedding need not be renewed annually unless in the opinion of the Superintendent these need renewal. The articles of bedding need not be issued every year if, in the opinion of the Superintendent, such articles already issued are sufficient and in decent condition, as in case of other categories of Prisoners.

### **23.21 Furniture, crockery and utensils**

Furniture, crockery and utensils admissible to a detenu of the A Class, B Class, and C Class shall be prescribed by the administration.

### **23.22 Newspapers, books and other articles**

The administration may spend per month, in respect of a detenu of A. B, and C Class, a sum not exceeding what may be prescribed from time to time for purchase of postal stamps, envelopes, paper, pencils, pen ink, periodicals, newspapers and books in accordance with the written request made by the detenu to the Superintendent.

Any postal article containing or purporting to contain a newspaper, periodical or book shall first be opened by the Superintendent or a person authorised by him in this behalf.

No books, periodicals or newspaper which are banned or proscribed or which are obscene or scurrilous shall be supplied to or permitted to be read by a detenu.

Every article intended for a detenu shall be handed over to the Superintendent with a written request that it may be given to the detenu.

Subject to the provisions hereinafter made, the detenus shall be entitled to borrow books and journals from the jail library in such number and for such periods as shown against each :--

Person entitled to Books/Journals Period borrow books

Class "A" 3/2	15 days
Class "B" 2/1	do-
Class "C" 2/1	do-

The Superintendent of Jail shall before the commencement of each financial year submit to the Prison Headquarter a list of books and journals which he proposes to purchase or subscribe to for his library together with the estimate of the cost thereof.

No further quota of goods or journals shall be issued to a detenu until he has returned the books or journals previously issued to him. If in the opinion of the Superintendent any book or journals issued to a detenu needs to be returned to the library before the expiry of the period provided for in this behalf he will give the necessary intimation to the detenu and thereupon the books shall be returned by the detenu to the library.

The books and journals returned by a detenu may be re-issued to him, if not required otherwise.

Any loss or damage to any book or journal shall be made good by the detenu concerned in such manner as the Superintendent of Jail may direct.

The Superintendent of jail may withhold the issue of any book or journal which is classed as a reserved or reference book or is in his opinion such as not be in a fit condition to be issued.

### **23.23 Funds**

A detenu of the "A" Class may be allowed to receive from relatives or friends or to spend out of his own money an amount not exceeding what may be prescribed by the Superintendent per month to supplement his diet, clothes or toiletry or to purchase books, magazines and newspapers.

A detenu of "B" Class or "C" Class may receive from relative or friends or spend out of private funds an amount not exceeding what may be prescribed per month for the same purposes as referred to Para above. Money meant for a detenu shall be handed over to the Superintendent.

### **23.24 Correspondence**

A detenu of the "A" Class may be allowed to write not more than six letters a month a detenu of the B Class or the C Class may be allowed to write not more than five letters a month, subject to general or special directions which the HoPD may issue from time to time. The contents of the letters and other communication from or to a detenu shall be limited to private matters. There shall be no reference in the letter or communication to jail administration and discipline, or to other detenu or to politics.

No letter or other communication shall be transmitted to or from a detenu except through the Superintendent or such other officer as the administration may appoint in this behalf.

Any letter or correspondence addressed by a detenu to the Government of India or any other member of that Government or to a Secretary to that Government or to a Government of one of the States in India other than the UT of Ladakh or to a member of or Secretary to any such State Government shall be forwarded by the Superintendent to the Home Department, UT of Ladakh for appropriate action with copy for information to Prison Headquarter.

Any letter or other recommendation addressed by or to a detenu from any place outside India shall be perused by the Superintendent and forwarded with his remarks to the Prison Headquarter, which shall decide whether or not it should be despatched to the addressee.

Letter and communication addressed to a detenu may, subject to the instructions if any of the Prison Headquarter, be perused by the Superintendent who may withhold them if they are in his opinion detrimental to the public interest or safety or the discipline of the detenus. In case of doubt, the Superintendent shall refer them to the HoPD and abide by his directions. Letters and correspondence which are unobjectionable shall be forwarded forthwith to the detenu.

All communications addressed by a detenu who is a member of the Legislature or Parliament to the Speaker or Chairman or a Committee (including a Committee of Privileges) of such House or of a Joint Committee of both Houses of parliament shall be immediately forwarded by the Superintendent to the addressee.

### **23.25 Interview**

The Superintendent shall fix days in the week on which interviews with persons other than a Police Officer may take place. A detenu may be permitted interview of a near relative or a group of near relatives once in a week.

Note.—A near relative shall be deemed to include wife, husband, father, mother, brother, sister, son, daughter or any in - law of such relationships, direct uncle or direct aunt (i.e. brother or sister of the detenu's father or mother) grandparents and grand children.

Every detenu shall furnish a list of near relatives to the Superintendent. Applications for interviews by near relatives shall be made to the Superintendent who shall grant the same provided he is satisfied that the applicants are the near relatives of the detenu whom they seek to interview. A person other than a near relative shall not be permitted to interview a detenu unless he has obtained written permission therefore from the HoPD. If the Superintendent is satisfied that reasonable grounds exist for doubting the identity, bonafides or genuineness, he may postpone the interview for a period of 10 days within which period he shall obtain instructions from the HoPD as to whether or not the person should be allowed to interview.

The Superintendent shall appoint the time and place of each interview. Interviews with near relatives should be limited to half an hour's duration. Duration of interviews may be extended by special order issued by the Superintendent of Jail for bonafides reasons. Interviews shall take place in the presence of the Superintendent or such other officers as may be authorised in that behalf by a general or special order of the Superintendent. The Superintendent or other officer who is present at the interview may terminate the interview at any time if in his opinion, the conversation is detrimental to the public interest or safety. The conversation shall have no reference to Prison administration and discipline, to other detenus or to politics. Every person permitted to interview a detenu and the detenu himself should be searched before and after the interview at the discretion of the Superintendent. Provided that no female shall be searched except by a female staff. Searches shall, as far as possible, be carried out at the entrance of the gate, of the place of detention and not inside the buildings which is used for detention. After an interview is over, the officer present at the interview shall, if he deems it necessary, warn both the detenu and the interviewer that future interview by any person is liable to be prohibited if the interviewer indulges in any publicity. The Superintendent shall maintain a register containing the names of the persons who interviewed the detenu, the dates and duration of the interviews, the relationship of the interviewer to the detenu and also the remarks of the superintendent in respect of each interview. A copy of the entries in the register shall be sent to the HoPD every month.

### **23.26 Police interviews**

Subject to the directions, if any, of the Administration the HoPD may by general or special order authorise any Police Officer either singly or with another Police Officer and accompanied or unaccompanied by subordinate Police Officer to interview any detenu in presence of prison official.

### **23.27 Prohibition to removal of articles from place of detention**

No article belonging to or made available to a detenu or to a visitor interviewing him shall on any account be removed to any place outside the place of detention. If a detenu allows or connives at any such articles being removed by any person to any place outside the place of detention, all or any of the amenities, concessions and privileges conferred on him shall be withdrawn for such period as the HoPD may decide.

Notwithstanding anything contained here-in-above, the Superintendent shall at the time of the unconditional release of a detenu from custody, allow him to take with him all the wearing apparel issued to him for his use during a period of six months previous to such release. Provided that in the case of a detenu who is released on parole and he is a destitute, or whose private clothing has been spoiled or destroyed during the period of his detention or is insufficient for purposes of health and decency commensurate with his social status, the Superintendent may at the time of his release on parole, allow him after obtaining a receipt therefore to take with him such wearing apparel as are necessary for his use on the condition that when the said detenu surrenders himself to the Prison authorities he will bring back all that apparel.

### **23.28 Family allowances**

Allowance for the maintenance of the dependents of a detenu may be granted by the administration in cases where they are satisfied that the detention of the detenu has substantially affected the means of subsistence of those dependents and that the dependents do not have reasonable means of subsistence.

### **23.29 Transfer of detenu to hospital in emergent cases**

If a detenu falls ill, pending the opinion of the HoPD (who shall be immediately informed by the Superintendent). If it is necessary to give special medical treatment or immediate surgical treatment to him, he shall be removed to the nearest hospital having the necessary facilities and equipment and be detained there in custody until the termination of the treatment.

The Superintendent shall send information regarding the illness of the detenu to the administration simultaneously with the dispatch of such information to the HoPD. The HoPD shall keep the administration promptly informed about the progress of the medical treatment, he shall be removed back to the place and detained there under the same conditions as before he took ill.

### **23.30 Discipline**

A detenu shall, for the purpose of discipline, be subject to such of the existing rules relating to civil prisoners as are not inconsistent with the provisions of the order of the instructions which may from time to time be issued under this order.

The single rooms or association barracks in which detenus are kept as also the detenus shall be liable to be searched once a month and often if the Superintendent considers it necessary. Every precaution shall be taken to make the searches thorough and the fact of the search shall be communicated to the HoPD with the comments, if any, of the Superintendent.

### **23.31 The detenu shall:-**

- i Reside in accommodation allotted to him by the Superintendent ;
- ii Not stray beyond the limits of the place of detention

- iii Abide by the instructions issued from time to time for his comfort, safety and health or for his discipline, orderly conduct and control
- iv Attend roll-call answer to his name in person at such times and places within the place of detention as may be appointed by the Superintendent
- v Not do anything will fully with the object of affecting his bodily welfare ;
- vi Conform to the standards of cleanliness and dress laid down by the Superintendent ;
- vii Not have in his possession any coin, currency note or negotiable instruments, any weapon, stick, razor other than a safety razor, piece of iron or any other article including Mobile Phones, Sim Card, Pen Drive, Memory Card etc.
- viii Not exchange or sell any of his kit-equipment, clothes, furniture or other or other possessions ;
- ix Not refuse to take the diet fixed by the Superintendent ; and
- x Not receive any article from a person other than the Superintendent or an officer employed in the place of detention who is authorized by the Superintendent to hand over article to him.

### **23.32 Breach of discipline**

A detenu who contravenes any of the provisions mentioned in Para above or who contravenes any other provisions or any instructions issued under this order or who—

- i) Assaults, insults, threatens or obstructs any fellow detenu or any office or the place of detention or any other Government servant or any person employed in or visiting the place of detention ;
- ii) Quarrels with any person in the place of detention ;
- iii) Is guilty of indecent, immoral or disorderly conduct ;
- iv) Communicates or attempts to communicate with any person outside the place of detention in any unauthorised manner ;
- v) Bribes or attempts to bribe any government servant or any person employed in or visiting the place of detention ;
- vi) Commits any nuisance or wilfully befouls any wall, latrine washing or bathing place ;
- vii) Disobeys the orders of or shows disrespect to any office of the place of detention ;
- viii) Wilfully damages any property belonging to administration or tampers with any lock, lamps or lights in the place of detention ;
- ix) Receive, possesses or transfers any articles in contravention of any order of the Superintendent ;
- x) Feigns illness ;
- xi) Wilfully brings a false accusation against any officer of the place of detention or fellow detenu ;
- xii) Omits or refuses to report, as soon as it comes to his knowledge, the occurrence of any fire any plot or conspiracy, any escape, attempt or preparation to escape and attack or preparation for attack upon any officer of the place of detention ;
- xiii) Abets the commission by fellow detenu of any of the foregoing acts ; or xiv) Omits or refuses to help any officer of the place of detention in case of an attempt to escape on the part of any of his fellow detenus.

### **23.33 Punishments**

Where, upon enquiry, the Superintendent is satisfied that a detenu is guilty of breach of discipline, he may award the detenu, one or more of the following punishments :-

- i) Stopping of Interview for a period of 2 weeks or so ;
- ii) Confinement in a cell for a period not exceeding fourteen days ;
- iii) Reduction or alternation of diet for a period not exceeding fourteen days ;
- iv) Cancellation or reduction of the concession of receiving funds from outside for a period not exceeding two months ;
- v) Cancellation or reduction, for a period not exceeding two months, of the privileges of writing and receiving letters or of newspapers, periodicals and books ; and
- vi) Cancellation of the privileges of wearing his own clothes. If any detenu is guilty of breach of discipline which by reasons of his having frequently committed such breaches or otherwise is in the opinion of the HoPD not adequately punished by the Superintendent, he may report the case to the administration. The administration, after examining the report and after making such enquiry or obtaining such further information as may be deemed necessary, may in their discretion pass orders that all or any of the amenities, privileges and concessions allowed to the detenu shall be withdrawn for ever or for such period as may be specified or that the detenu shall be treated in the same manner and subjected to the same conditions as a prisoners undergoing rigorous imprisonment.

#### **23.34 Government property**

All the articles and goods purchased at the cost of the administration for the use of a detenu shall remain the absolute property of the administration and their possession, custody, control, use and disposal shall be in according with the instructions which the administration may issue from time to time.

[See J&K Detenu (General) Order, 1968]

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## **CHAPTER XXIV**

### **WOMEN PRISONERS**

**24.01** To ensure safety of women prisoners and guard them against any form of exploitation, it is desirable that at least one Women's Prison be established in each division of UT of Ladakh. While exclusive prisons far from central areas may hinder a woman prisoner's proximity from home, such exclusive prisons may at times be necessary from a safety perspective. In any case, separate enclosures/ prisons within district or central prisons are also required to be established for housing female inmates where there are no exclusive prisons for women. Till separate prisons for women are established, both male and female inmates can be confined in the same prison on the condition that female offenders are to be kept in a strictly secluded female enclosure within the prison complex. The existing enclosures for women in common prisons may be renovated to ensure that the women inmates do not come in contact with male inmates during their passage to and from the seen closures. Such enclosure should be, to the extent possible, independent in terms of infrastructural set-up. The seen closures should have a double lock system; one lock outside and the other inside. The keys of the inside should always remain in the custody of women guard inside.

The enclosures for women prisoners should have all the requisite facilities with reference to their special needs such as segregation, security, pregnancy, child birth and family care, healthcare and rehabilitation etc.

Care should be taken to ensure that women inmates are protected against any form of exploitation. The work and treatment programs for female inmates should be devised giving due consideration to their special needs. Female prisoners should be granted equal access to work, vocational training and education as male prisoners.

#### **24.02 Classification and Separation**

Women prisoners shall be classified and kept separately as under:

- (i) Under-trial prisoners shall be kept completely separated from convicted prisoners, even when their number is small.
- (ii) Habitual offenders shall be separated from casual prisoners.
- (iii) Habitual offenders, prostitutes and brothel keepers must also be confined separately.
- (iv) Under no circumstance should female young offenders be confined with adult women prisoners. Given their young and impressionable nature, female young offenders should be kept in separate enclosures and should be given treatment and training suited to their special needs for rehabilitation. Civil prisoners and detenuess, including those under preventive provisions, should be kept separately from convicts and under trial prisoners, and from other prisoners, as far as possible.
- (v) Political prisoners and those courting arrest due to their participation in non-violent socio-political/ economic agitations for declared public causes should not be confined in prisons along with other prisoners. Separate prison camps with adequate facilities should be provided for such nonviolent agitators.

Notes.-

- (i) No criminal or non-criminal lunatic will be kept in the prison. Those currently there shall be immediately transferred to appropriate mental health institutions.
- (ii) No classification of prisoners shall be allowed on grounds of socio economic status, caste or class.

#### **24.03 Register**

A register (which may be in electronic form) shall be maintained in every place of imprisonment with numbered pages where the following details of women prisoners shall be entered:



- (i) Information concerning their identity.
- (ii) The reasons for their imprisonment and the authority ordering such imprisonment with full details of such order.
- (iii) The day and hour of their admission and release.
- (iv) Details of the children of women prisoners, including names, ages, location and custody status, shall also be recorded in the register. Such information regarding the identity of the children shall be kept strictly confidential and may be shared only with the mother's express permission.

Note.—No person shall be received in an institution without a valid commitment order.

#### **24.04 Restriction on Women Prisoners**

No female prisoner shall, on any pretext, leave or be removed from the female enclosure except for release, transfer, or attendance at court, or under the order of the Superintendent for other legitimate purposes.

Every female prisoner authorized to leave her enclosure will ordinarily be accompanied by a female Assistant Superintendent, Head Warder or female Warder from the time she leaves till she returns.

#### **24.05 Exclusion of Males**

No male shall be permitted to enter the female ward of any prison, at any time, unless he has a legitimate duty to attend therein. No adult male shall enter it at all by night except in an emergency, and even then only along with the female warder/ female officer. He shall there after record a clear report of his visit with the reasons for such visit, and the hour thereof, in his report book.

Male warders and other male staff, acting as escort to lady visitors and officials, shall remain outside the enclosure. If at any time a male prison officer or warder or prisoner enters, or of attempts to enter, any ward or portion of a prison reserved for female prisoners, without proper authority, it shall be reported to the Deputy Superintendent forthwith.

#### **24.06 Training of staff or gender-sensitivity**

All staff assigned to work with women prisoners shall receive training relating to the gender-specific needs and human rights of women including on sexual misconduct and discrimination. Such staff shall also be sensitized regarding situations and instances where a woman inmate may feel particularly distressed, so as to be sensitive to their situation and ensure that the women are provided appropriate support.

Where children are allowed to stay with their mothers in prison, awareness-raising on child development and basic training on the health care of children shall also be provided to prison staff, in order for them to respond appropriately in times of need and emergencies.

#### **24.07 Locks of Female Enclosures**

The locks of enclosure and barracks, where women are confined shall, be different from those in use in other parts of the prisons, so that there is no possibility of keys for locks of other enclosures being misused for opening enclosures for women prisoners.

Suitable measures may be taken (including the provision of alarm bells) to ensure minimum delay in opening barracks in case of an emergency.

#### **24.08 Photography and Fingerprints**

Photographs, foot-prints, finger-prints and measurements of women prisoners shall be done in the presence, and with the assistance, of women prison officers or women warder.

#### **24.09 Inspections**

Daily visits shall be made by women prison officers and staff in all women barracks and enclosures, and particular attention will be paid to health and hygiene-related problems of women prisoners.

Night inspection rounds shall be made by women officers and warders. Reports of such night inspections shall be recorded in the report book immediately on completion of such Inspection.

#### **24.10 Prisoners Requiring Mental Health Care**

Female prisoners needing treatment for mental diseases shall not be admitted in prison.

#### **24.11 Custody of the Female Enclosure**

There shall be round the clock duty of female head warders and female warders in the female enclosures.

#### **24.12 Admission of Under-Trial Prisoners**

The admission rules for under-trial and convicted prisoners in the prison Manual shall be applicable to under trial and convicted women prisoners also.

#### **24.13 Search of Women Prisoners on Admission**

Women prisoner shall be searched by female warders in the presence of other senior women personnel/women officer with due regards to consideration of privacy and decency. Such search shall not be conducted in the presence of any male. Invasive search is strictly prohibited; however, harmless body scanners can be put to use.

#### **24.14 Quarantine on Admission to Prison and Medical Aid**

Women prisoners on admission to prison shall be medically examined and, if the examining lady Medical Officer/Medical subordinate deems it necessary, kept separately in the female enclosure on medical grounds for the period prescribed by the medical officer.

After admission to prison, all women prisoners shall be required to wash themselves and their clothing thoroughly as soon as possible. Their personal clothing shall be disinfected before being stored.

Part-time lady medical officers of the District Government Hospital shall be engaged for medical examination of female prisoners on admission. Only lady doctors shall look after the medical care of women prisoners during their stay in prison.

Every woman prisoner shall be examined by a lady Medical Officer or Medical Subordinate. Such examinations shall also be conducted on readmission after bail, parole, furlough and even on account of out-station court attendance for a day or two. In case a woman officer/matron/female warder suspects a prisoner to be pregnant, the woman prisoner shall be sent to the District Hospital for detailed examination and report.

#### **24.15 Pregnancy**

When a woman prisoner is found, or suspected, to be pregnant at the time of admission or later on access to free urine pregnancy test kit, the lady Medical Officer shall report the fact to the Superintendent. Arrangements shall be made at the earliest to get her medically examined at the female wing of the District Government Hospital for ascertaining the state of her health, pregnancy, duration of

pregnancy and the probable date of delivery. After ascertaining all necessary particulars, a detailed report shall be sent to the HoPD.

Gynaecological examination of the female prisoner shall be performed in the District Government Hospital. Proper pre-natal, ante-natal and post natal care shall be provided to the prisoner as per the advice of qualified medical officer. Pregnant women prisoners shall be having option to choose abortion during incarceration , to the extent permitted by law.

Adequate and timely food including supplemental nutrients, a healthy environment and opportunities for regular exercise shall be provided to pregnant women, babies, children and breast-feeding mothers.

#### **24.16 Child Birth in Prison**

As far as possible (provided the prisoner has a suitable option) arrangements for temporary release (or suspension of sentence in the case of a casual offender) will be made to enable a prisoner to deliver child in a hospital outside the prison. Only when there is high security risk in the case of any particular woman prisoner, the facility to deliver child outside the prison shall be denied.

Births in prison shall be registered at the local birth registration office. The fact that the child has been born in prison shall not be recorded as the place of birth. Only the address of the locality shall be mentioned. As far as the circumstances permit, all facilities for performing the naming rites of the child born in a prison shall be extended to the mother.

#### **24.17 Property of Women Prisoners**

All money, jewellery, and articles of clothing, received with or found on the person of a woman prisoner on her admission to the prison, or sent subsequently by the police, or tendered by her relatives or friends on her behalf prior to her release, shall be received and taken over by the Deputy Superintendent or other officer on duty. A list of all such articles shall be entered in the Admission Register and in the convict's warrant and read over to the convict in the presence of the Superintendent who shall countersign the entries in the register and in the warrant. Method of storing the prisoner's money, etc., shall be according to the general rules laid down in this Prison Manual.

#### **24.18 Certain Ornaments to be allowed to Women Prisoner**

Female prisoners shall be allowed to retain, in moderation, certain ornaments of small value such as mangal sutras and plastic bangles. The Superintendent may, however, at his discretion, refuse to allow the retention of these ornaments in any particular case for disciplinary/security reasons.

#### **24.19 Children of Women Prisoners**

A child up to six years of age shall be admitted to prison with his mother if no other arrangements, for keeping him with relatives or otherwise, can be made. Children born in prison may remain with their mothers up to six years of age, if they cannot otherwise be suitably placed. The Medical Officer shall determine the age of children not born in prison for the purpose of this provision.

No child shall be admitted into or retained in prison if he/she has attained the age of six years. The Superintendent shall inform the Directorate of Social Welfare about all children of that age for placing them in a home run by the Social Welfare Department. Such children shall be kept in protective custody until their mother is released or the child attains such an age as to be able to earn his own livelihood. However it is desirable to hand over such child to blood relation of the Prisoner/child as per her written consent.

Children kept under protective custody in a home of the Department of Social Welfare shall be allowed to meet their mothers at least once a week. The Director, Social Welfare Department/DSWD will ensure that such children are brought to the prison on the dates fixed for this purpose by the Superintendent of Jail.

#### **24.20 Welfare of the children of the Women Prisoners**

A child with its mother is not a prisoner and is entitled to food, shelter, medical care, clothing, education and recreational facilities as a matter of right.

Prison administration should ensure holistic development of children of inmates confined in the prisons.. The Board of visitors shall inspect these facilities at regular intervals.

#### **24.21 Education**

The children of women prisoners living in the prison shall be given proper education and recreational opportunities. There shall be a well-equipped crèche and a nursery school attached at least to a central prison for women where the children of women prisoners shall be looked after while the mothers work in prison. Children below three years of age shall be allowed in the creche and those between three and six years shall be looked after in the nursery school. These facilities may also be extended to the children of warders and other female prison staff.

The crèche and nursery school shall be run by the prison administration preferably outside the prison with the assistance of NGOs or Social Welfare Department. In the event the prison administration considers it difficult to run a crèche, arrangements should be made to send the children to a privately run crèche under proper security. The transportation charges involved in the process and crèche fee shall be borne by the prison administration.

Children in prison shall be provided with adequate clothing suiting the local climatic requirements. Articles like diapers etc. as required should be provided to women prisoner who are caring for their infant children.

In addition to regular requirement, two cakes of 150 grams each of soaps/detergent shall be provided to women prisoners with children.

#### **24.22 Diet/Food (For children):**

Scales of diet for children stand decided in the relevant chapter of Diet keeping in view the calorific requirements of growing children as per medical norms and climatic conditions. Separate utensils of suitable size and material should also be provided to each mother prisoner for feeding her child.

#### **24.23 Health care**

Adequate health facilities shall be provided to children of women prisoners (in collaboration with community health services). Children shall be regularly examined by a Lady Medical Officer to monitor their physical growth who shall also be vaccinated for various diseases including polio and small-pox at the appropriate time. Extra clothing and diet may also be provided to such children on the written recommendations of the Medical Officer.

#### **24.24 Diet and Food**

Management of kitchens or cooking food on caste or religious basis is strictly banned in prisons for women. Adequate and nutritious diet shall be given to nursing women and to children accompanying women prisoners. Food articles shall be of a good quality.

Pregnant and nursing women prisoners shall be prescribed a special diet. Women prisoners shall get special diet on festivals and national days, as specified for male prisoners in the rules. Medical Officer shall ensure that food is cooked under hygienic conditions and is nutritious.

There should be a separate kitchen for every 100 prisoners. Special arrangements for warming food/milk shall be made for women with children. Some women staff should be given special training in management of

diet and kitchens and such trained staff should supervise the kitchens and cooking in prisons for women. Prison officers, including the Superintendent, must supervise every aspect of the prison diet system, i.e., issue of rations, management of kitchens and distribution of food. There should be a separate kitchen for Halal & Jhatka mutton/chicken. There may be separate Kitchen for Vegetarian & Non Vegetarian. Clean drinking water should be supplied to prisoners and it should be tested periodically

#### **24.25 Scale of Diet**

Ordinarily dietary scales for women prisoners shall be same as mentioned in Diet Chapter keeping in view their calorie requirements as per medical norms. However, the Medical Officer may make slight change in the diet.

#### **24.26 Prisoner to Receive Diet According to Scale**

Every prisoner shall be entitled to receive every day food at prescribed times and according to the scale laid down.

#### **24.27 Special Extra Diet on Medical Grounds**

Where the lady Medical Officer, for reasons of health, considers the prescribed diet to be unsuitable or insufficient for a women prisoner, or her child, she may order in writing a special diet or extra diet, for a specific period of time. Special consideration shall be given in this regard to pregnant/nursing prisoners.

Rules relating to diet of prisoners, those on specific medical advice for expectant and nursing mothers, and infants and children, shall be scrupulously observed.

#### **24.28 Clothing**

Women prisoners sentenced to six months imprisonment or below should be issued clothing (as per Chapter VI).

Children allowed to stay with women prisoners shall be given suitable clothing similar to what is normally used by children locally.

Every women prison should maintain a repair unit where prisoner's clothing can be repaired.

Clothing of prisoners should be sterilized at government cost once in two months. Prisoners should be allowed to get their clothes washed through prison laundries at their own cost.

All clothing shall be cleaned and kept in a proper condition. Underclothing shall be changed and washed as often as necessary for maintenance of hygiene.

#### **24.29 Bedding**

Every woman prisoner shall be provided with a sleeping berth and sufficient bedding in accordance with local standards and climatic conditions. These shall be clean when issued, kept in good order, and changed often enough to ensure their cleanliness. Women prisoners should be given one pillow with pillow cover and woolen blankets according to climatic conditions. Women prisoners shall be provided two cotton sheets for every six months.

All articles of prisoner's bedding, clothing and other equipment should be inspected by a women officer at least once a week to ensure that proper standards are maintained.

#### **24.30 Accommodation**

There should be four types of living accommodation:

- (i) Barracks with accommodation for 20 women prisoners.
- (ii) Dormitory accommodation for four to six women prisoners each.

- (iii) Single room accommodation for women prisoners needing privacy for pursuing studies.
- (iv) Cells for segregation of women prisoners for the purpose of security and punishment.

All accommodation provided for women prisoners, and in particular all sleeping accommodation, shall meet basic requirements of health. Due regard being paid to climatic conditions, the cubic content of air, minimum floor-space, lighting and ventilation. Prisoners kept in dormitories shall be carefully selected, so that they are able to adjust with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the Institution. Sleeping berths in the women's barracks shall not be at a height beyond the comfortable reach of women prisoners. There should be sufficient number of toilets and that should be maintained in a clean and decent state. Where women prisoners they are required to live or work, the windows shall be large enough to enable the prisoners to read or work by natural light. The place should be sufficiently ventilated to allow the entrance of fresh air. Sufficient artificial light too shall be provided for the prisoners to read or work. Adequate number of baths and showers shall be provided so that every prisoner may have a bath or shower at a temperature suitable for the climate, as frequently as may be necessary, for maintaining general hygiene according to season and climate. Arrangement shall be made for providing warm water during winter for bathing & washing purpose. All parts of the institution, regularly used by prisoners, shall be properly maintained and kept scrupulously clean at all times.

#### **24.31 Cleanliness of Women Enclosure**

All parts of the women's enclosure in a prison shall be properly maintained and kept scrupulously clean at all times.

#### **24.32 Personal Hygiene**

Women prisoners shall be required to keep their persons clean, and to this end they shall be provided with toilet articles, including sanitary towels, necessary for maintaining health and cleanliness. Sufficient water shall also be made available for the use of women prisoners and their children, and those prisoners, in particular, who are involved in cooking and those who are pregnant, breastfeeding or menstruating.

A woman prisoner's hair shall not be cut without her consent. However if, on account of vermin or dirt, the lady Medical Officer deems cutting of hair necessary on the ground of health and cleanliness. Even then it shall not be cut any shorter than required.

#### **24.33 Amenities**

All valuable ornaments should be removed from women in custody and should be safely deposited . They should be permitted to retain their mangal-sutra and plastic bangles.

Clothing and linen provided to women should include undergarments, upper and other clothes, towels and socks in cold climates. Adequate quantity of toilet and washing soap should be provided to them. A sachet of shampoo may be provided to women prisoners on a weekly basis.

Each adult woman prisoner shall be supplied suitable number of sanitary napkins for use during menstruation.

Sufficient number of looking glasses should be fitted in their barracks. At least one looking mirror(1.6 feet x 3.0 feet) should be installed outside the barrack.

#### **24.34 Interview**

The number of interviews for convicts and under trial prisoners should be liberalized in the case of women . Women prisoners' contact with their families, including their children, their children's guardians and legal representatives shall be encouraged and facilitated by all reasonable means. Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes.

Every women prisoner shall be allowed, assisted and encouraged to write a letter and have interview with her relatives/neighbours once a week during her term of imprisonment. A senior female officer in charge of interviews should be responsible for grant of interviews as per rules. In view of women prisoners disproportionate experience of domestic violence, they shall be properly consulted as to who, including which family members, is to be allowed to visit them.

Visits involving children should take place in an environment that is conducive to a positive visiting experience for the visiting children, including with regard to staff attitudes, and should allow open contact between mother and child. Where possible, visits involving extended contact with children should be encouraged.

The prison inmates shall be afforded opportunity as prescribed in the rules, to have reasonable contact including visits, telephone contact, electronic communication contact, interviews through video-conferencing and correspondence with the family inside the prison. There should be no limit on incoming letters for women prisoners. Illiterate or semi-illiterate prisoners should be provided help in writing letters. A waiting room for visitors should be provided at each prison for women.

Every newly admitted prisoner shall be allowed facilities for seeing or communicating with her relatives/friends/legal advisors, with a view to preparation of an appeal or revision petition or for procuring bail. She shall be allowed to have interviews with, or write letters to, her relatives more often, if the Superintendent considers it necessary, to enable her to arrange for the management of her property and other family affairs.

In case, close relatives of women are detained in the same prison, interview of both shall be facilitated by the Deputy Superintendent between the two gates in presence of Deputy Superintendent/Assist. Superintendent, once a week.

As far as possible, there should be separate Interview Room for female prisoners (separate from Interview Room meant for male prisoners).

#### **24.35 Books**

Every institution shall have a separate library and a reading room for women with both recreational and instructional books. Prisoners shall be encouraged to make full use of these facilities.

#### **24.36 Religious Books**

A woman prisoner shall be allowed to keep, at a time, up to three books with her. The restriction on the number of the books is on account of administrative convenience only (i.e. consideration of space per prisoner) and not for any other reason.

#### **24.37 Education**

Every woman prisoner should be offered a suitable educational programmed during her stay in prison to improve her employment prospects. Education shall be a compulsory activity in prisons for at least one-hour every day. It shall aim to enhance their functional capability. Every prison should organize adult education, social, moral and health education, family welfare programs, and training in various skills for making women self-reliant. For interested prisoners, appropriate facilities for formal and advanced education shall also be provided.

#### **24.38 Recreational and Cultural Programs**

Recreational programs should be organized for women prisoners which may include simple outdoor games, music, folk dances, drama, TV/LED, radio and film shows. Women prisoners shall be provided facilities for meditation for stress management and for improving their mental and physical health.

#### **24.39 Vocational Training**

Vocational training programme should be designed to suit the needs of prisoners sentenced to short, medium and long term imprisonment. As far as possible women prisoners shall be imparted training suited to their aptitude and background, making them economically self-reliant. The selection of vocational programs shall be made in accordance with the marketability and profitability of the product, enhancing the prisoner's ability to earn their livelihood after release. The wages earned by the women prisoners shall be deposited in the bank account of the women inmates. Sufficient work or vocational trades shall be provided to keep prisoners actively employed for a normal working day. These may include:

1. Tailoring
2. Embroidery
3. Needle-craft
4. Spinning
5. Handloom
6. Weaving
7. Soap making
8. Hosiery work
9. Cane and bamboo work
10. Candle making
11. Toy making
12. Pottery
13. Stationery articles
14. Local handicrafts
15. Cottage industries
16. Gardening
17. Sewing machine repair
18. Typing
19. Computer training
20. Beautician's work
21. Sericulture
22. Fruit preservation
23. Local projects etc.

#### **24.40 Labour**

Prisoners shall be paid equitable remuneration for their work and no disparity in wages shall accrue on account of gender differences. The system should also provide that a part of the earnings is set aside by the administration to constitute a savings fund to be handed over to the prisoners on their release. Under the system the prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of it to their family. Unless medically advised not to work, all prisoners shall be engaged in work and activity in the prison, for which they will be paid proper wages. In project work, they may be paid fair and proper wages at market rate with normal deduction as applicable on account of maintenance etc.

#### **24.41 Health/Medical Facilities**

Every woman prison shall have a 10 bed hospital for women. Treatment programs should be properly planned and developed in every woman's prison. At least one and more woman gynaecologist and psychiatrist shall be provided. Modern equipments for Xray, ECG, ultrasound and sonography should be available. In addition to the details required to be recorded after health screening in accordance with Appendix-2, the health screening of women prisoners shall also include a comprehensive screening to determine primary health care needs, and to determine:



- a. The presence of sexually transmitted diseases or blood-borne diseases; and, depending on risk factors, women prisoners may also be offered testing for HIV, with pre- and post-test counselling;
- b. Mental health care needs, including post-traumatic stress disorder and risk of suicide and self-harm;
- c. The reproductive health history of the woman prisoner, including current or recent pregnancies, childbirth and any related reproductive health issues;
- d. The existence of drug dependency;
- e. Sexual abuse and other forms of violence that may have been suffered prior to admission.

Female prisoners suffering from psychosomatic and psychological disorders, victims of sexual abuse and those having mental health issues, should get proper counselling and medical treatment.

The right of women prisoners to medical confidentiality, including specifically the right not to share information and not to undergo screening in relation to their reproductive health history, shall be respected at all times. [Rule 8 of the UN Bangkok Rules].

Women prisoners shall receive education and information about preventive healthcare measures, including on HIV, sexually transmitted diseases and other blood borne diseases, as well as gender-specific health conditions. [Rule 17 of the UN Bangkok Rules].

#### **24.42 Legal Aid**

To ensure access to justice to all, timely legal aid services should be provided to needy prisoners at Government expenses as prescribed by the Administration. Prison Administration shall be assisted by the Legal Service Authority for this purpose through a panel of advocates earmarked for the Prisons/Courts.

For this purpose, socio-legal counselling cell shall be set up in each institution to be managed by volunteers from a designated law school, school of social work, or a nongovernmental voluntary agency. Work done by students while working in such a cell shall be given academic credit and shall form a part of the student's graded curriculum.

Assistance of lady members of the district legal aid committee shall be made available to women prisoners to help them with their procedural and legal problems.

The practice of fortnightly or weekly naribandisabhas (women prisoner's councils) shall be utilized as a modality for orientation of, and interaction with, prisoners and for training in participative custodial living. In the event existence of sexual abuse or other forms of violence before or during detention is discovered, the woman prisoner shall be informed of her right to seek recourse from judicial authorities. The woman prisoner should be fully informed of the procedures and steps involved. If the woman prisoner agrees to take legal action, appropriate staff shall be informed and the case immediately referred to the competent authority for investigation. Prison authorities shall help such women to access legal assistance.

In such cases, regardless of whether the woman chooses to take legal action, prison authorities shall endeavour to ensure that she has immediate access to specialized psychological support or counselling.

#### **24.43 Facilities for Foreign Nationals**

Women prisoners, who are foreign nationals, shall be allowed reasonable facilities to communicate with their diplomatic and consular representatives. Those who are nationals of other countries, or refugees, shall be allowed similar facilities to communicate with any agency whose task is to protect such persons.

#### **24.44 Premature Release**

In line with gender-sensitive management policy, a liberal approach would be allowed while determining cases of premature release of women prisoners particularly in cases where she has been the sole breadwinner, or where no surrogate care is possible for the dependents of women prisoners. As far as possible, expectant mothers may be released on suspended sentences, or otherwise, to avoid delivery of their child inside the prison.

#### **24.45 Probation of Offenders Act, 1958**

Probation of Offenders Act, 1958, shall be extensively used in case of women offenders to provide suitable non-institutional corrective treatment to them.

#### **24.46 Transfer of Women Convicts for Release**

Every woman confined in a prison other than that of the district of her residence, shall be transferred to such prison in the district of her residence 10 days before her release.

The sanction of HoPD for such transfers within the Territory shall not be required.

#### **24.47 Release of Women Prisoners**

Before a woman prisoner is released, sufficient advance notice shall be given to her relatives or friends to be present at the prison and receive her. If no relative appears on the day of her release, she shall be sent to her home under the charge of female escort. The Deputy Superintendent shall record in her report book about arrangements made for the safe release and escort of woman prisoner to her home.

#### **24.48 Aftercare, Rehabilitation and Follow-up**

Prison authorities shall utilize options such as home leave, open prisons, halfway houses and community-based programs and services to the maximum possible extent for women prisoners, to ease their transition from prison to liberty, to reduce stigma and to re-establish their contact with their families at the earliest possible stage. Prison authorities, in cooperation with probation and/or social welfare services, local community groups and non-governmental organizations, shall design and implement comprehensive pre- and post-release reintegration programs which take into account the gender-specific needs of women. After care services/ programs should include all kinds of help which could result in proper readjustment of the released women prisoners in the society. There shall be at least one designated voluntary organization in each district to which the work of extending help to a released prisoner could be trusted. The approved representatives of such agencies shall have necessary access to the institutions and to women prisoners, and shall be taken into confidence from the start of their sentences. It is desirable that the activities of such agencies are centrally monitored and coordinated in order to secure the best use of their services. After-care of women prisoners, discharged from prisons and allied institutions, should be the statutory function of the Department of Prisons and Correctional Services in coordination with Social Welfare Department and other Departments pertaining to women welfare. There should be women staff in the aftercare and follow-up units in the headquarters of the Department of Prisons and Correctional Services. Woman Probation Officers, if any should be in charge of aftercare and follow-up work. The after-care and follow-up unit should evolve an objective method of assessing the post-release needs of women prisoners. Restriction on employment of women released from prisons in government or public service undertakings should be removed by suitable amendment of the rules

#### **24.49 Linkages with Outside Welfare Agencies**

Prison reforms can be achieved through participation of the Administration, private enterprises and non-profit organizations who could collectively facilitate implementation of various processes and systems to encourage prison industries. The representatives from other districts and other prisons in the UT, representative from the industry, representative from NGOs for training and skill development can be considered as members of the Prison Industry Board.

The Superintendent of Jail shall establish a functional linkage and co-operational relation with a select group of social activists/N.G.Os serving and taking up the cause of women in general and women offenders in particular, so that the prison administration and the N.G.Os can together wage a war against social stigma attached to women in custody. As this is a battle to be fought more in minds than in fields, frequent seminars/symposia shall be conducted to elaborate on the need of after-release rehabilitation of women offenders, and to create a favorable public opinion.

Comprehensive, intensive and incessant counselling of women offenders and members of their families shall be carried out by these groups of social activists/ N.G.Os to preempt/overcome the aversion of the society to women prisoners, which otherwise might deter and derail proper rehabilitation of women in custody.

Counselling programs should focus on the emotional and psychological issues of women prisoners, particularly for those who have been victims of domestic violence, sexual abuse and substance abuse. The counselling programs should:

- (i) help address any mental health issues that she may be suffering from and suggest effective coping strategies,
- (ii) facilitate her re-integration into society after release;
- (iii) Focus on removing any further damaging impact that imprisonment could have on women inmates, and seek to enhance self-worth, autonomy and self-efficacy.
- (iv) Special programs may be initiated to address underlying factors that lead to criminal behavior, for instance, separate programs addressing substance addiction-related issues.

The literacy and vocational training for women offenders shall be conducted in such a manner that it:

- (i) endows woman inmates with professional capabilities and expertise in one, or more than one, vocation, so as to enable them to earn a living and lead a self-supporting life after release
- (ii) Eradicate the poverty-crime nexus;
- (iii) Empower women to make positive lifestyle changes within the context of education, support and recovery.

Special programs should be initiated for women prisoners with physical or mental disabilities. The programs should also involve imparting life skill-based education, and disseminating information about preventive health care measures, including prevention from HIV, sexually transmitted diseases and other blood borne diseases, as well as gender-specific health conditions.

Arrangements for public display of the products made by the women prisoners will boost their morale, instill confidence into them, and rekindle the flames of hope for a normal life at large. Moreover, it will pave the way for the much needed social awareness, supportive and sympathetic to the women living behind the bars.

#### **24.50 Prisoners suffering from mental illnesses**

Women who are found mentally ill shall not be detained in prison. Arrangements shall be made for the removal to mental homes/institutions for mentally ill prisoners who happen to be admitted in prisons.

When transferring a mentally ill woman prisoner to a mental home and back to the prison, a female warder shall accompany the police escort, provided to such prisoner, wherever possible. The families of such prisoners shall be traced and informed of the prisoners' whereabouts and health status.

To ensure the continuation of psychiatric treatment after release, medical record shall be provided to the prisoner at the time of release.

#### **24.51 Prison Discipline**

Discipline and order shall be maintained with firmness but with no more restriction than is necessary for safe custody and well ordered institutional life. No woman prisoner shall be punished in the prison until she

has been informed of the offence alleged against her and given proper opportunity of presenting her defence. The competent authority shall conduct a thorough investigation of the case before awarding punishment. Prison offences and indiscipline may be dealt with in the manner provided in Chapter XX(Prison Discipline) subject to the following conditions:

- (i) Punishment by close confinement or disciplinary segregation shall not be applied to pregnant women, women with infants and breastfeeding mothers in prison.
- (ii) Disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children.
- (iii) Instruments of restraint shall never be used on women during labour, during birth and immediately after birth.

#### **24.52 Requests and Complaints**

During the weekly parades, every woman prisoner shall have an opportunity of making requests/complaints to the Superintendent who in turn, shall promptly deal with such complaints/requests.

- (i) A complaint box shall be fixed at a prominent place in the woman's enclosure which shall be opened in the presence of the Superintendent at least twice a week. Every complaint or request found in it shall be registered and properly dealt with and replied to without undue delay. The prison social welfare and legal aid counselling staff, or literate prisoners, shall be utilized to assist illiterate prisoners in recording their complaints. All such complaints shall be received and tackled in an understanding manner without the risk of retribution to the complainant. Women prisoners who report abuse shall be provided immediate protection, support and counselling and their claims shall be investigated by competent and independent authorities, with full respect for the principle of confidentiality. Protection measures shall take into account specifically the risks of retaliation.
- (ii) Appropriate guidance and assistance should be given to women prisoners as well as women staff for filing complaints against sexual harassment with the internal complaints committee constituted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act. A separate order of constitution of such committee(s) shall be issued by HoD on rotation basis as per the provisions of the Act.
- (iii) The Board of Visitors shall monitor the conditions of detention and treatment of women prisoners in particular.

#### **24.53 Women Personnel**

In a prison for women prisoners, there shall be one post of a lady Superintendent or Deputy Superintendent.

The woman's enclosures attached to the sub-prisons and district prisons shall be in the charge of a lady Deputy/Assistant Superintendent. They will be assisted by a female Head Warder and female Warders.

The following officials shall be posted (in every separate prison for women.) when applicable:—

- (i) Lady Superintendent ;
- (ii) Deputy Superintendent ;
- (iii) Assistant Superintendent ;
- (iv) Chief Welfare Officer ;
- (v) Welfare Officer ;
- (vi) Law Officer ;
- (vii) Head Warder ;
- (viii) Warder/Matrons ;
- (ix) Teachers ;

- (x) Instructors ;
- (xi) Psychiatrist ;
- (xii) Doctor, specially gynecologist ;
- (xiii) Clerks ;
- (xiv) Aftercare Officer ; and(xv) Warders.

#### **24.54 Terms of Service and Training**

Women warders and all other women prison officers shall be provided, basic initial training, in-service training and refresher courses to keep them in touch with contemporary developments in the field of their work. Every woman member of prison staff shall be provided training in Human Rights and various aspects of correctional work. All promotions up to the level of Deputy Superintendent should be made subject to a pre promotional qualifying examination. All those who qualify in this examination/test should be eligible for promotion to the next higher post. Physical fitness and psychological tests should be essential pre requisites for direct recruitment. All new recruits should be given basic initial in-service training. Officers and staff on deputation should be put through short duration orientation courses. Adequate training reserve should be provided in each cadre of the prison service. Basic initial training, in-service training, refresher courses should be organized by the training institutions for various categories of personnel.

#### **24.55 Other facilities for Women Staff**

Study teams of women officers should be deputed to visit prison institutions in various states in the country as also those in other countries. Staff meetings and conferences should be regularly held. Proper forum should be provided at the institutional and Headquarters levels for women prison staff to ventilate their grievances. All good work done by women prison personnel should be given proper publicity and should be highlighted through the media. Rent free residential quarters should be provided to all members of the women prison. Adequate leave-reserve should be provided while fixing staffing norms. Every member of the women staff shall be allowed a day off once a week. Women prison personnel should be paid salaries and allowances at par with those of equivalent ranks in the police department.

#### **24.56 Crèche and Canteen Facilities to Staff**

Some prison female staff should be given special training in the management of canteen and such officials should be put in charge of supervising the canteen. Female staff shall be provided services of crèche for proper care of their young children while they are on duty. Canteen facilities should be made available. Female prison staff shall be allowed the option to take their meals during duty hours with prisoners free of cost with additional scale issued to the mess. No food shall be allowed to be taken outside Jail.

#### **24.57 Escorting of Women Prisoners**

The matron/female Head warder shall escort every female prisoner leaving the women's enclosure, and shall remain with the prisoner until the prisoner returns to the enclosure. She shall accompany the female prisoner under transfer. Wherever necessary, services of women police will be utilized for escort duty with due regard to security considerations. Separate escort vans for escorting women prisoners shall be made available.

#### **24.58 Matrons or Women Warders not to allow a Male to Enter Woman Enclosure**

The matrons or women warder shall not allow any male prison officer, or male prisoner, to enter the women's enclosure without proper authority. If any male prison officer/warder/prisoner, without proper authority, at any time enters, or attempts to enter, any ward or portion of the prison reserved for occupation by female prisoners, the Matron/Warder shall make a report forth with to the Deputy Superintendent/Superintendent of Jail.

#### **24.59 Matron or Female Head Warder not to Communicate with Male Prisoners**

No matron/female Head warder shall at any time, and on any pretext, hold any interview or communicate/interact in any way, with any male prisoner or visit any part of the prison allotted, reserved for, or occupied by male prisoners, except in the discharge of her duties.

**24.60 Keys of Woman's Enclosure**

The matron or the woman warder shall have custody of the keys of the wards and enclosures in which female prisoners are confined during the day. After the locking up, she shall deliver the keys to the Lady Deputy/Assistant Superintendent who shall lock them up in the key chest. The Lady Deputy/Assistant Superintendent shall hand over the keys again to the matron or female Head warder in the morning at the time of unlocking.

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## CHAPTER XXV

### YOUNG OFFENDERS

#### **25.01 Guiding principles**

Young persons are impressionable. A young offender of today can be a hardened recidivist of tomorrow. Such offenders can be reclaimed as useful citizens and can have better prospects for being re-educated to a socially useful way of life. A scientific and progressive approach needs to be adopted if these offenders are to be saved from the damaging and traumatic experiences of incarceration.

As far as possible, young offenders should not be kept in institutions meant for adult and habitual offenders. Institutions for young offenders should be so classified that diverse training programs, designed to suit each homogeneous group, can be conveniently organized.

#### **25.02 Training and Treatment**

Special emphasis should be given on a studied evaluation of individual offender's personality and careful planning of training and treatment programs, to suit the needs of each inmate. Training and treatment shall include education, work and vocational training, recreational and cultural activities, discipline, case-work approach, group work activities, group guidance, individual guidance, counseling, character building, periodical review, release planning, pre-release preparation, after-care on a comprehensive basis, and followup study. The personal influence of the members of the prison staff will have considerable bearing on their formation of young offenders.

#### **25.03 Non-Institutionalized Treatment**

It is necessary to save the young offenders from evils of incarceration. Non custodial treatment for young offenders should be preferred to imprisonment. Under mentioned process should be followed for young offenders:

A. When any young offender is found guilty and is likely to be punished with imprisonment not exceeding one year, the court should take recourse to any of the following non-custodial measures:

- (i) Release on admission.
- (ii) Release on taking a bond of good conduct, with or without conditions from the young offenders and from parents/guardians/approved voluntary agencies.
- (iii) Release on probation under the Probation of Offenders Act on any of the following conditions :—
  - a. Continuation of education/vocational training/employment;
  - b. obtaining guidance from probation officer/teacher/counselor ;
  - c. getting work experience in work camps during week-ends and on holidays;
  - d. Doing useful work in work centers (agricultural farms, forestry, housing projects, road projects and apprenticeship in workshops.)
  - e. Young offenders released on probation shall be kept under constant supervision.

Note.—Suitable cases of young offenders likely to be sentenced to periods above one year of imprisonment should also, as far as possible, be processed through the above-mentioned non institutional approach. Young offenders should be sent to prison only as a last resort.

B.

- (i) Young offenders involved in minor violations should not be kept in police custody. Instead, they should be kept with their families/ guardians/ approved voluntary agencies on the undertaking that they will be produced before the police, as and when required, for investigation.
- (ii) Young offenders involved in serious offences, while in police custody, should be kept separate from adult criminals and the police custody should be only for the minimum period required for investigation.
- (iii) The investigation of cases of young offenders must be expeditiously completed.
- (iv) Bail should be liberally granted in cases of young offenders.
- (v) When it is not possible to release a young offender on bail, he should be kept in a Reception Centre/Kishore Sadan/YuvaSadan during the pendency of his trial.
- (vi) In case it becomes necessary to keep young offenders in a sub-Jail during investigation and trial, it should be ensured that they do not come in contact with adult criminals there.

#### **25.04 Reception Centers/Reception Units**

There should be separate institutions for young offenders, to be called Reception Centres and Kishore/YuvaSadans. There should be separate Reception Centers for young female offenders. Reception Centers should be organized at district or regional level as per the requirements to provide safe custody for young offenders, who cannot be released on bail or probation for their initial classification and subsequent placement.

Note.—The period of detention in a Reception Centre should be from two to eight weeks. It should not exceed eight weeks. Young offenders sentenced to periods of imprisonment of six months and above should be collected at the Reception Centers/Reception Units.

Programs in the reception center/reception unit should consist of:

- (a) Admission, quarantine and orientation.
- (b) Study and evaluation of individual offender's personality.
- (c) Initial classification

Note.—Inmates admitted in the reception centres should be studied by a team consisting of Correctional Administrators, Sociologists, Psychologists and Social-Case Workers. Whenever necessary, the inmate may be referred to a psychiatrist.

After initial classification is over, the inmate should be transferred to a suitable institution. The Superintendent in charge of the reception centre/reception unit will only indicate the lines of training and treatment. The discretion as to how to implement the suggestions given by the reception center, and also to make necessary modifications therein, rests with the Superintendent in charge of the institution where the inmate has been transferred.

#### **25.05 Annexes for young offenders**

Each Central/District Jail should have an annexe for young offenders. Young offenders sentenced to periods of imprisonment up to six months may be kept in this annexe.

#### **25.06 Reception Centre and Kishore YuvaSadan**

Kishore YuvaSadans should be categorized on the following lines:-

- i. An institution recognized as an approved Kishore YuvaSadan by the Administration :
  - 1. a hostel run by Administration.;
  - 2. a hostel run by a voluntary agency;



- 3. a hostel of an Industrial Training Institute;
- 4. a hostel of an Agricultural School. ii. Open Kishore YuvaSadan.
- iii. Semi-open Kishore YuvaSadan.
- iv. Special Kishore YuvaSadan (medium security institution).

The following treatment should be given to young offenders at Reception Centre/Kishore YuvaSadan:

- (i) Initial admission.
- (ii) A system of proper custody and positive, constructive and firm discipline.
- (iii) Care and welfare of inmates.
- (iv) Basic segregation according to requirements.
- (v) Attending to immediate and urgent needs and problems of inmates.
- (vi) Orientation to institutional life.
- (vii) Study of the individual offender- History taking, case-recording, tests and observation.
- (viii) Scientific classification.
- (ix) Attending to long-term needs of inmates like education and vocational training.
- (x) Inmates shall be properly assessed both at the time of admission and regularly thereafter, with the specific objective of looking into their criminogenic factors and providing help to enable them to lead a law abiding and socially productive life after release.
- (xi) Guidance, counselling and support.
- (xii) Release planning.
- (xiii) After-care.
- (xiv) Follow-up.

Use should be made of resources of the community and outside agencies in providing such treatment. The personal influence of prison personnel will play a very positive role in this process.

Initially, all young offenders, offering good prognosis, may be kept in institutions recognized as approved Kishore YuvaSadans or in semi-open Kishore YuvaSadans. Later, on the basis of their responses to training and treatment, suitable young offenders should be transferred to Open Kishore YuvaSadans. Difficult, disciplinary and problem cases, and escape risks, should be sent to special Kishore/YuvaSadans. In due course, after observing their responses to institutional programme, these young offenders may be transferred to semi-open Kishore YuvaSadans and later to open Kishore YuvaSadans. By adopting this approach many young offenders can be spared the bad experience of living with hardened criminals in closed institutions.

Decisions about placement of young offenders in the diversified Kishore YuvaSadans should be taken by the classification committee which may comprise trained and experienced correctional administrators.

Young offenders should be sent to special Kishore YuvaSadans as a last resort.

At each institution there should be a Review Board consisting of the following:

- (i) The District Judge -Chairman
- (ii) Two Elected Representatives.
- (iii) The District Magistrate
- (iv) The Superintendent of Police
- (v) The Chief Medical Officer/Civil Surgeon/Medical Superintendent of the Government Hospital
- (vi) Two Social Workers interested in the welfare of young offenders
- (vii) The Chief Education Officer
- (viii) The Prison Welfare Officer

## (ix) The Superintendent of the Jail- Member-Secretary Or Principal of Institution

The Review Board should meet once in a quarter to examine the case of each young offender. The Review Board will review the cases from the point of view of the progress and response of young offenders. The Review Board must decide the case of every young offender as to whether it is necessary to continue him under institutional treatment.

In suitable cases, the question of his conditional release on license should also be examined. The members of the Review Board should visit the Kishore YuvaSadan to see that the care and welfare of inmates are properly attended to. In deserving cases, even such young offenders should be conditionally released on license. However, a young offender, in whose case prognosis is not favourable, should be transferred to a suitable prison. Only such young offenders, as are intractable, violent, psychopaths and hardened or dangerous criminals, should be transferred to prisons.

The problem of young offenders, who are sentenced to imprisonment for periods above 5 years, will have to be considered in a different perspective. In deserving cases, even such young offenders should be conditionally released on license. However, a young offender, in whose case prognosis is not favourable, should be transferred to a suitable prison. Only such young offenders, as are intractable, violent, psychopaths and hardened or dangerous criminals, should be transferred to prisons.

Specially selected and adequately trained personnel should be made available for implementing various programs for young offenders.

**25.07 Staff Organization**

At the headquarters of the Department of Prisons and Correctional Services a separate wing should be created under a senior officer of the rank of Dy. Director Social Welfare Department for dealing with the problems of young offenders. In so far as the work of treatment and training of young offenders is concerned, he shall work independently. However, for purposes of co-ordination and integration with other wings of the Department, he shall be under the control of the Head of the Prisons Department. The following staff should be provided at institutions for young offenders:

- a) Principal.
- b) Vice-Principal.
- c) House Master Grade I.
- d) House Master Grade II.
- e) Chief Supervisor.
- f) Senior Supervisor.
- g) Supervisor.
- h) Psychologist.
- i) Psychiatric social workers/case-workers.
- j) Staff for education, physical training, vocational training, industrial training and agricultural training.
- k) Staff for medical and psychiatric care.
- l) Ministerial, accounts, and other staff.
- m) Security Staff.

**25.08 House system**

There should be a House system for institutions for young offenders. Each House should be under the control and supervision of a House Master. Normally each House should normally comprise of not more than 40 inmates.

Note.—Suitable age groups of offenders should be organised within the Houses. As far as possible each House should have a mixed group.

The House staff should consist of: House Master, Assistant House Master and Supervisors. House Master and Assistant House Masters can be from among Teachers or Vocational Teachers or P.T. and Game Instructors.

Leaders: Each House should elect three inmate leaders every quarter. These leaders should help the administration in matters like cleanliness, sanitation, distribution of food and in organizing games, recreational, and cultural activities.

Note.—The system of house leaders aims at giving the inmate an opportunity to share responsibility.

House Committees: Each House should have a House Committee consisting of House staff members. This Committee should meet once a fortnight. The functions of this Committee shall be:-

- a. To study each inmate individually and understand the various problems presented by him.
- b. To assist and advise the Superintendent and the Classification Committee in all matters pertaining to the inmates.
- c. To gauge inmates' response to training and treatment.
- d. To extend help and guidance to inmates at the individual level.
- e. To look after the welfare and discipline of inmates.
- f. To associate the inmate leaders with House problems like sanitation, hygiene, welfare and planning of recreational and cultural activities.

## **25.09 Education**

Educational needs of young offenders must be adequately met. To this end, prison authorities may collaborate with 'open schools' for developing educational programs for young offenders. Special emphasis should be laid on the following aspects in education of young offenders:-

- a. Physical and health education.
- b. Social and moral education.
- c. Literary education.
- d. Vocational education.
- e. Arts and handicrafts education.

Necessary facilities for the overall educational development of young person's should be provided in institutions. The educational programs should be so designed that young offenders of various age groups and intelligence levels can derive benefit from them. For illiterate and educationally backward young offenders special educational classes should be organized.

Necessary opportunities for the self-education of young offenders should be provided in the institutions. Those who have the requisite capacity and desire to appear at examinations conducted by the Education Department or by a University or by any other recognized institution should be permitted to do so.

## **25.10 Work and Employment**

Young offenders should be taught such crafts, skills and vocations, as would be useful to them after release.

Young offenders may be employed, by rotation, as assistants in running the institution's essential services, like sanitation and hygiene, kitchen and canteen, laundry and plumbing services. Such engagements should aim at imparting vocational training to the inmates in these areas of work.

## **25.11 Vocational Training**

Special emphasis should be laid on the vocational training of young offenders in trades suitable for their rehabilitation in the society.

### **25.12 Cultural Activities**

Special emphasis should be given on the cultural development of young offenders. Programs of recreational nature and cultural activities should be so planned as to suit the needs of various groups of young offenders. The following activities can be selected for organizing recreational and cultural programs: indoor games, outdoor games, gymnastics, athletics, films, music, community and folk dances, dramatics arts and crafts, reading, writing, debating, quiz programs, sports meet, participation in local tournaments and matches, excursions and camps, scouting, philately and gardening.

### **25.13 Diet**

Adolescence being the age of growth and development, proper attention should be given to provide balanced diet to such prisoners (see diet chart) as prescribed in the relevant chapter.

### **25.14 Discipline**

Special emphasis should be given on the discipline of young offenders. As far as possible, minor offences should be dealt with by withdrawal of concessions. When this approach fails, recourse should be taken to other forms of punishment.

### **25.15 Pre-release and Release**

At least a fortnight before a young offender is due for release, a letter shall be sent to his relatives/friends intimating the date of his release and asking them to be present at the prison to receive him after release. As far as possible, young offenders should be handed over after their release to their relatives, friends or a recognized After-care Agency. If the Principal of the Institution or Superintendent of Jail thinks it necessary, the released young offender may be sent to his home or after-care agency under the care of a Prison Guard or a Supervisor.

### **25.16 Aftercare and Rehabilitation**

After-care facilities should be extended as per provisions of Chapter XXI (After-care and Rehabilitation). Special attention should be given to all aspects of aftercare of young offenders.

### **25.17 Programme and Daily Routine**

Programme and daily routine should consist of the following:—

#### **(a) Early morning**

- Preparation for opening.
- Unlocking according to conditions of visibility.
- Counting and searching,
- Leaving the barrack or cell, Toilet, Prayers and meditation in group.
- P.T., drill, individual and group exercises, light Yogasanas, etc.
- Morning light meal.
- Educational classes, Vocational training, Bath, Meal and rest.

#### **(b) Afternoon**

- Work.
- Toilet.

- Outdoor games or gymnastics.

(c) Evening

- Wash.
- Evening meal.
- Social education.
- Newspapers, books, radio,
- T.V., Group music, dramatics, educational films and other cultural activities according to weekly programme for each group.
- Group prayers, Preparation for lock-up, Searching and counting, Lock-up at dusk.

Note.—Agricultural work should preferably be done in the morning. Inmates engaged in agricultural work should attend the educational and vocational training classes in the afternoon. Details of work and education schedules should be fixed by each institution in accordance with available facilities.

Programme on Sundays and prison holidays

(a) Morning

- Toilet.
- Prayers in group on voluntarily basis.
- Morning light meal.
- General cleaning of barracks, cells, open spaces etc. Cleaning of equipment.
- Washing clothes.
- Bath.
- Inspection of Equipment,
- Meal and rest.

(b) Afternoon

- Education films, Group Music, Folk dances, Dramatics, Newspapers, books, radio, games and TV.
- Toilet

(c) Evening

- Wash.
- Evening meal,
- Preparation for lock up at dusk
- Searching and counting,
- Lock-up.

Superintendent is authorised to make necessary changes in the daily routine/programme to suit the needs of the institution.

Note.—1: As there is no institution classified as such in UT of Ladakh, therefore a formal proposal in this regard shall be prepared and submitted to the Administration in due course of time by the Prison Department.

Note.—2: In absence of proper separate institution for young offender, a separate block/barrack should be identified and earmarked for such accused for the time being .

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**CHAPTERXXVI****INSPECTION OF PRISONS**

**26.01** Inspections play an important role in improving the working conditions of prison inmates and prison staff. Inspections are an important tool to ensure that the prison staff is operating strictly in accordance with applicable rules and regulations and that all records pertaining to matters related to prison inmates are maintained and updated as per the relevant rules. Inspections are of two types.

**26.02** Informal Inspection: Informal inspections are to be conducted by every officer of the Prisons Department of the rank of DIG and above, as and when they visit a prison while discharging their official duties. The visiting officer shall prepare an informal inspection report containing the following:-

- (i) Security and lighting arrangements;
- (ii) Mess and canteen facilities;
- (iii) Vacancy position of staff;
- (iv) Medical facilities;
- (v) Prisoners strength;
- (vi) All buildings;
- (vii) Interview with prisoners;
- (viii) Grievances of prison staff;
- (ix) Pending references with the prison headquarters;
- (x) Female prisoners and infants;
- (xi) Prisoner Management Software/Video Conferencing facility;
- (xii) Any other administrative issues.

**26.03** Formal Inspection; Formal inspection shall be carried out in detail by an Inspecting Officer (as may be designated by the Director General of Prisons or administration). The Inspecting Officer should spent minimum of two nights and two days at the prison, while carrying out the inspection. The Inspecting Officer should draw a detailed inspection report covering the following :—

- (i) Comments on the compliance of the observations made/directions issued by the Head of Prisons Department on the previous inspection note;
- (ii) Authorized prison population and actual prison population;
- (iii) Vacancy position of staff;
- (iv) Security and lighting arrangements during day time and night/Generator Sets;
- (v) Alarm system;
- (vi) Mess and Canteen Facilities;
- (vii) Interview facilities for prisoners;
- (viii) Stores;
- (ix) Record to be maintained for the prison inmates;
- (x) Record relating to parole, furlough, remission and pre-mature release etc.;
- (xi) Women prisoners and infants;
- (xii) Medical facilities;
- (xiii) Work opportunities in the prison;
- (xiv) Remission system;
- (xv) Wages to prisoners;
- (xvi) Library;
- (xvii) Hygienic condition in barrack including water and sewerage facilities;
- (xviii) Recreation facilities/ Sports/ Religious activities/ Spiritual activities;
- (xix) Farms, if any;
- (xx) Factory/Workshop;
- (xxi) Prison panchayat;

- (xxii) High security ward;
- (xxiii) High risk prisoners;
- (xxiv) Computerization/Video Conferencing facility/ CCTVs etc.;
- (xxv) Prison staff colony/Warders Hostel etc.;
- (xxvi) Interviews with prison staff;
- (xxvii) Other administrative matters related to prisons, prisoners and staff.

(As per Appendix-14)

#### **26.04 Action Taken Report (AIR) on**

- (i) Grievances Redressal Meeting, if any;
- (ii) Canteen Management.

Every central prison, district prison and sub-jail/ other prison (Women) shall be inspected by a Gazetted Officer twice in a calendar year. At least one such inspection shall be carried out by the officer of the rank of Superintendent. The first inspection shall be carried out in the month of January/ February on the working of the prison for the period from 1<sup>st</sup> of July to 31<sup>st</sup> of December of the previous year. The inspection to be carried out in the month of July shall cover the working period from 1<sup>st</sup> January to 30<sup>th</sup> June of the same year.

The report of the first inspection shall be submitted by 28<sup>th</sup> February and the report of the second inspection shall be submitted by the 31<sup>st</sup> of July every year, to the HoPD for issuing appropriate directions. The HoPD shall appoint Inspecting Officers for different prisons, in advance, by 15<sup>th</sup> January every year.

**26.05** The HoPD shall issue directions to the Jail Superintendent concerned for complying with the observations made by him on the inspection report. The compliance report on the directions issued on the inspection note shall be submitted by the Superintendent Jail concerned before the next inspection is due. The Inspecting Officer shall write a paragraph in his report about the compliance by/ response of the Superintendent on the points raised/ observations made in the previous inspection report.

**26.06** The HoPD or any other officer of the rank of DIG and above from the Prisons Headquarters shall inspect minimum of 25% of the Prisons every year. This allotment shall also be done by the HoPD in advance by 15 of January every year to any other senior officer as well.

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**CHAPTER XXVII****BOARD OF VISITORS**

**27.01 The Administration of UT Ladakh shall, by notification, constitute a Board of Visitors comprising Official and Non-official members.**

**27.02 The task of the Board of Visitors shall include :—**

- a) Monitoring the Correctional work in Prisons, with special attention to the degree and quality of training and the effectiveness of infrastructure/facilities in the Prisons.
- b) Suggesting new avenues leading to improvement in correctional work.
- c) Going into individual or collective grievances of Prisoners and providing re-dressal in consultation with the Prison authorities.

**27.03 The Board of Visitors shall comprise the following official members :—**

- a) The District Judge at the District level, or the Sub-Divisional Judicial Magistrate exercising Jurisdiction, at Sub-Division level.
- b) The District Magistrate, at the District level or Sub-Divisional Magistrate at Sub-Divisional level.
- c) District Superintendent of Police.
- d) The Chief Medical Officer of the Health Department, at the District level or the Block Medical Officer at Sub-Division level.
- e) The Executive Engineer, Public Works at the District level, or Assistant Engineer PWD at Sub-Divisional level.
- f) The Chief Education Officer dealing with literacy programs.
- g) District Social Welfare Officer.
- h) District Employment Officer.
- i) District Agricultural Officer.
- j) District Industrial Officer.

The Board shall make at least one visit per quarter and for this purpose, presence of three members and the chairman shall constitute quorum.

**27.04 The Board of Visitors shall also comprise the following Non-Official Members:-**

- a. One Elected Representative.
- b. Two social workers of the District/Sub-Division; one of them shall be a woman having an interest in the administration of prisons and welfare of prisoners (to be appointed by the District Magistrate).

**27.05** The District Judge shall be the Chairman of the Board of visitors at District level and the Sub-Divisional Judicial Magistrate shall be the Chairman at Sub-Division level. The Non-official visitors after their appointment must be sensitized and trained about their duties, roles and responsibilities.

- (i) The Board of Visitors shall meet in the office of the Superintendent of Jail at least once in every quarter.
- (ii) The minute of every meeting of the Board of Visitors shall be recorded in the Visitors' Minute Book, and the same shall be forwarded to the Head of Prisons Department with comments of the Superintendent. A copy of the minutes shall also be dispatched to every member of the Board of Visitors. The HoPD shall place a copy of the minute of the last meeting/meetings of the Board of Visitor of all the prisons before the Prison Advisory Board, if any.

- (iii) During visits, a Visitor (Member of the Board of Visitors) shall enjoy the right to converse secretly and separately with any prisoner who is willing to talk to the Visitor. However such separate interaction between a Visitor and a prisoner shall be held in a place within the prison well with insight of a prison officer. The Visitor, immediately after such conversation with a prisoner, shall inform the Chairman of the Board in writing about what transpired in the conversation with the prisoner. The Chairman, if he thinks it necessary, shall take up the matter with the Jail Superintendent.
- (iv) Any observations/comments made in the Visitors' Minute Book, by any member of the Board, shall be forthwith brought to the notice of the HoPD by the Superintendent, along with his own comments. The copy of the same shall also be sent to the Visitor concerned and the Chairman of the Board of Visitors.
- (v) The Members of the Board of Visitors shall specially attend to the quality and quantity of Prison diet, condition of the kitchen and hospital, availability of medicines, hospital management, medical treatment of the prisoners, sanitary arrangements, aspects of vocational trainings, literacy program, and library facility for the prisoners.
- (vi) The Superintendent shall present before the visiting member/members of the Board of Visitors any paper/document pertaining to correctional work, recreation and trainings of prisoners, prison diets/medicines, grievances of prisoners and follow re-dressal of such grievance, if it is sought by a visiting member of the Board.
- (vii) The Superintendent shall not be bound to present any Register/Document/paper pertaining to financial accounts before a member of the Board of Visitors without written approval of the HoPD.
- (viii) The Superintendent shall ensure that the prisoners lodging complaints with the visiting member/members of the Board of visitor do not subsequently fall prey to vendetta of the accused or prison staff complained against.
- (ix) Following any such visits by member/members of the Board of Visitors, the Superintendent shall inform the HoPD regarding the details of the visit.
- (x) For the purpose of a meeting of the Board of Visitors, One official Visitor and two non-official Visitors shall form a quorum.
- (xi) A Non-official Member of the Board of Visitors shall hold office for a period of two years from the date his appointment to the Board, and may be considered for reappointment.
- (xii) The appointing authority may cancel the appointment of any nonofficial visitor for reasons to be recorded in writing. Removal of nonofficial visitors must not be arbitrary and should be based on a sound reasoning. In particular, any removal must be made after following principles of natural justice.
- (xiii) A non-official member of the Board of Visitors shall receive allowances as may be sanctioned by the administration from time to time, for attending meetings of the Board of Visitors.

#### **27.06 Duties of Visitors**

All Visitors, official and non-official, at every visit shall:

- (a) Examine the cooked food;
- (b) Inspect the barracks, wards, work-sheds and other buildings of the prison generally;
- (c) Ascertain whether considerations of health, cleanliness and security are attended to, whether proper management and discipline is maintained in every respect and whether any prisoner is illegally detained, or is detained for undue length of time while awaiting trial;
- (d) Examine prison registers and records, except secret records and records pertaining to accounts;
- (e) Hear and attend to all representation and petitions made by or on behalf of the prisoners;

- (f) Direct, if deemed advisable, that any such representation or petition be forwarded to the administration;
- (g) Suggest new avenues for improvement in correctional work.

Note.— A spare copy of the list of duties of the visitors will be kept at the main gate and handed over to a visitor on the occasion of his visit to the prison.  
Each non-official visitor will be supplied with a copy on his appointment.

#### **27.07 Board of Visitors to Records Remarks**

The Board of Visitors should record their remarks in the Visitor's Book after every visit. A copy of these remarks shall be forwarded to the HoPD who should pass such orders as he think necessary. A copy of the HoPD's order should be sent to the visitor concerned.

#### **27.08 Visitors to be facilitated**

The Board of Visitors shall be afforded every facility for observing the state of the prison and the management thereof, and shall be allowed access, under proper regulations, to all parts of the prison and every prisoner confined therein. They shall ordinarily not visit high security areas unless the instructions in this behalf are given by the HoPD.

The Board of Visitors should have the power to call for and inspect any book, or other record, in the prison unless the Superintendent, for reasons to be recorded in writing, declines on the grounds that its production is undesirable. Similarly every visitor should have the right to see any prisoner and to put any question to him out of hearing of any prison officer.

Non-official visitors shall not visit prisoners who are not allowed to be interviewed on medical grounds. Visits shall not ordinarily be made after prisoners have been locked for the night and on prison holidays.

#### **27.09 Visit to High Security Prison**

District and Sessions Judge to Visit and Inspect Prisons

It shall be the duty of the District and Sessions Judge to visit and inspect high security and other prisons and to satisfy himself that all rules, regulations, directions and orders made or issued to such prisons, are duly observed and enforced.

#### **27.10 Record of Inspection**

A record of the result of each visit and inspection made shall be made in a register to be maintained by the Superintendent for this purpose.

#### **27.11 District and Sessions Judge to Communicate only with the Superintendent of Jail.**

The District and Sessions Judge shall not ordinarily address any communication or order to any officer of any prison below the Superintendent. All orders issued by the District & Sessions Judge shall be in writing.

The District and Sessions Judge's orders should ordinarily be issued in the form of an entry in the Visitor's Book. The judge is not required to interfere in matters of detail effecting management of a prison. He should refrain from any action which may tend to weaken the authority of the Superintendent over subordinate prison officers and prisoners.

If the District and Sessions Judge gives an order to which the Superintendent of Jail or his senior takes exception, the concerned office may represent the matter through the HoPD to the administration, but he shall forthwith obey any order which is not inconsistent with the Prison Act, or any rule made there under, and does not involve any immediate risk or danger.

**27.12 Date of Visit to be Recorded and Copy of Remarks to be sent to Certain Officers**

Every Visitor shall, after he has completed his visit to the prison, record in the visitors' book, the date and hour of his visit, and may enter therein any remarks or suggestions he may wish to make.

A copy of the remarks made by every Visitor, together with Superintendent's reply there to, or the action taken by the Superintendent thereon, shall be forwarded to the HoPD. In case the remarks relate to the long detention of an under trial prisoner, a copy of such remark shall also be forwarded to the Sessions Judge .

**27.13 Disposal of the Remarks Made by a Visitor**

Any remarks made by a Visitor under the preceding section should be limited to a statement and fair criticism of factual facts, which may come to his knowledge, and to such suggestions, as he may desire the Superintendent or HoPD to consider. Criticism should be confined to such aspects of the ordinary administration and management of the prison which, in the opinion of the visitor, can be improved. On no account the visitor should directly or indirectly reflect, either favorably or adversely, on the character or conduct of any of the prison staff. If the visitor wants to bring to notice the good or bad work of any prison official, he should do so by a letter addressed to the HoPD.

The HoPD may pass orders on any remarks made by a Visitor, and shall, if any issue of importance requires the orders of the administration, forward such record to the Administration of UT Ladakh.

A copy of any order passed by the HoPD, or by the administration on any record made by a Visitor shall be communicated to the Visitor concerned through the Superintendent of Jail.

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## **CHAPTER XXVIII**

### **STAFF DEVELOPMENT**

A concerted approach towards staff development is to be made an integral part of the legal frame work that regulates prisons. Correctional work being a specialized field, and a social service of great importance, all posts in the department of Prisons and Correctional Services, except where supporting staff is required, shall be manned by persons belonging to the prison department. Prison service shall be developed as a professional career service and the administration shall endeavor to develop a well planned Prison cadre based on job requirements and proper promotional avenues and to strive to make it All India Service namely as Indian Prisons and Correctional Service.

#### **28. 01 Prison Cadre**

The prison personnel should comprise of following staff cadres:

- (i) Executive.
- (ii) Custodial/Guarding.
- (iii) Technical: Technical Supervisors and Instructors borne on prison establishment.
- (iv) Ministerial: From Administrative Officer down to the Lower Division Clerk (Junior Assistant)
- (v) Class IV Government Servant

Cadre strength of various categories of personnel should be fixed in accordance with the needs of the department. While fixing the strength of each cadre, care should be taken to see that enough openings for promotions become available to the personnel. Every direct recruit in service shall have opportunities of at least 3 promotions during the span of his/her career. With this in view, the following ratio for determining cadre strength of various posts should be laid down:

- i) Warders and Head Warders should be in the ratio of 5:1
- ii) Assistant Superintendent and Deputy Superintendent should be in the ratio of 3:1
- iii) For Superintendent Jail, Senior Superintendent Jail and Deputy Inspector General of Prisons the ratio should be 9:3:1

#### **28. 02 Recruitment and Selections**

There should be an inbuilt mechanism in the prison department for continuous and systematic study of manpower needs, so that there should be a regular intake of new recruits in order to maintain a continuous flow of qualified and trained personnel in the department.

In order to maintain the necessary level of morale, discipline and efficiency of the prison staff, only those persons possessing requisite aptitude and attributes should be appointed on various posts in the prison department.

a) The recruitment of personnel of non-Gazetted ranks will be done through departmental recruit board while recruitment of personnel of Gazetted ranks by the Administration.

#### **28. 03 The fundamental requirements for recruitment of the correctional personnel shall be as under:**

- (a) Physical fitness.
- (b) Capacity for endurance and hard work.
- (c) Courage, leadership and trust-worthiness.
- (d) Balanced personality.
- (e) Capacity for man management.
- (f) Capacity for maintaining and developing constructive and firm discipline.

- (g) Interest in human welfare, desire to help and guide inmates; belief in the philosophy of correctional treatment.

**28. 04 Direct entry into prison services should be restricted to two levels viz:-**

- (a) Warder
- (b) Assistant Superintendent.

**28. 05** Physical fitness and psychological tests shall be made essential pre-requisite for direct recruitment.

A directly recruited officer/ officials should not be placed on job until he successfully completes the prescribed basic initial training.

**28. 06** The recommendations with regard to direct recruitment and promotion quota shall made to ensure that deserving persons, with requisite qualification training, experience, and professional competence, are available in the service at all levels and that they get at least three promotions during the entries pan of their service.

**28. 07 Service Conditions**

Personnel assume paramount importance in an effective system of correctional administration. The conditions of service in the prison department shall be such that they attract and retain the best suited persons.

Secondly, the effectiveness and utility of correctional institutions will largely depend upon the level of satisfaction that prevails in the service. A contended staff will be able to implement correctional policies in the proper spirit. Better service conditions will produce better personnel which, in turn, will develop better institutions.

**28. 08 Inquiry and Punishments**

The prison personnel shall be governed by the Civil Service Regulations and other Service Conduct rules as applicable for the time being and thus inquiries and punishments are to be followed likewise.

It is stressed and enshrined that any action on account of misconduct shall be initially based on the departmental inquiry to be conducted by the Prison Officers only. Any judicial inquiry or outside department inquiry shall be ordered only, in case the preliminary inquiry conducted by the department prima-facie establishes the involvement of the prison official.

Necessary facilities at government cost should be extended to staff members to defend themselves in the event of criminal prosecution/civil proceedings arising out of bonafide discharge of official duties. Legitimate protection should be extended to personnel in matters related with recovery of damages for bona fide delays, errors of judgment and false allegations.

**28. 09 Salary and allowances**

Salaries and other employment benefits should not be arbitrarily fixed but should be related to the work to be performed in a modern correctional system, which is complex and arduous and is in the nature of an important social service.

**28. 10 Uniform**

Uniform is prescribed for all custodial and executive staff, including the Head of Prisons and Correctional Services Department.

i) Specification of Uniforms

The specification of uniform together with the scale and their life prescribed for all ranks of prisons officers together with memoranda of wearing of orders, decorations and medals are given in Table-A to this chapter.

ii) Badges to be worn by gazetted and non-gazetted ranks.

All officers of the gazetted as well as non-gazetted ranks shall be put on appropriate badges of rank given in Table B to this chapter.

### **28. 11 Muster patterns**

Muster patterns of all material and articles of clothing prescribed for enrolled prisons officers will be approved by the HoPD and a muster pattern of each article will be kept in the stores at Prison Headquarters Ladakh. A label bearing the name of the article with date of approval and signature of the HoPD shall be firmly attached by the seal of the Head Quarter to the master pattern so issued. Tenders for supply of different articles of uniform will be required to supply the goods as would conform to these sealed muster patterns.

### **28. 12 Condemnation of articles of uniform**

The Superintendent of Jail concerned, may recommend any article in a man's kit to be condemned, if it has become unserviceable before the expiry of the prescribed period due to exigencies of service. The HoPD on the recommendation of the concerned Superintendent may accord necessary sanction for its replacement. No article which is still serviceable may be condemned merely because the period of serviceability has expired ;it will remain in use till it becomes unserviceable.

**28. 13** All condemned articles of uniform when replaced be returned to the jail store and be entered in "condemned uniform stock book" and be placed in condemned uniform store.

**28. 14** The prescribed committee under the chairmanship of (Dy. Inspector General) Prisons will examine and survey all uniform articles and accordingly submit recommendations to the HoPD for their condemnation and auction.

**28. 15** A certificate to the effect that their report covers all articles of uniform received in the condemned uniform store since the last meeting of the Committee was held and that all articles declared by the Committee to be unserviceable have been clearly marked with the condemned stamp in their presence, shall be recorded by the Committee in each part of the Condemned Uniform Stock Book.

**28. 16** The Superintendent and Dy. Superintendent of Jail concerned will from time to time compare the "Uniform Indent Register" against the "condemned Uniform Stock Book" to ensure that all articles which have been replaced have been returned to Condemned Uniform Store. Wherever such a check is made, the checking officer will make an entry to that effect in the relevant part of the Condemned Uniform Stock Book.

### **28. 17 Maintenance of uniform register**

The maintenance of registers and records like "Stock Book", "Personal Ledger", "Kit Book" etc relating to supply and issue of uniforms shall be maintained by concerned jail lines officer under the supervision of Dy. Superintendent of the concerned prison.

### **28. 18 Annual kit inspection**

Annual kit inspection of each jail shall be carried out by officers of the rank of Superintendent on convenient dates. All these kit inspections must be completed by March 31, each year at the latest and the Superintendent of the Jail concerned will be responsible for ensuring that this order is complied with. These annual kit inspections will form the basis for the preparation of the annual indent for uniform which must be dispatched by the Superintendent to the office of the HoPD by April 15 each year.

**28. 19** The Dy. Superintendent of concerned Jail/Lines Officer will maintain the uniform, indent registers consisting of the necessary number of copies of the form “Memorandum of Kits Inspected” bound in register. The names of all enrolled prison officers will be entered in the register in serial order according to their respective numbers.

**28. 20** On receipt of a “Memorandum of Kits Inspected form” marked “Annual Kit Inspection” the lines officer will copy all the entries from that form into the register. Having done so, he will certify to that effect on the memorandum form.

**28. 21** On receipt of a “Memorandum of Kits Inspected Form” which is not marked “Annual Kit Inspection”, the Reserve Inspector will replace the articles condemned if stocks are available but no entries will be made in the uniform indent register.

#### **28. 22 Annual issue of uniform**

As soon as adequate supplies of uniform are received, the Lines Officers under supervision of Deputy Superintendent will commence issues, the under mentioned procedure being followed:-

- (i) The Lines Officer will issue uniform on convenient date, all unserviceable articles being taken into the condemned uniform store.
- (ii) As each article is issued, the Lines Officer will make the necessary entry
- (iii) All new articles issued must be stamped with the man's number and year of issue. Entries must also be made in the Kit Book Uniform Ledger etc.
- (iv) All condemned articles of uniform must be clearly marked with the condemned stamp and entries made in Kit Books, the Stock Book of Condemned Uniform Book etc.
- (v) On the occasion of the annual issue of uniform, the opportunity must be taken of checking kit books against the Uniform Ledgers etc.

#### **28. 23 Stock Book of Condemned Uniform**

All unserviceable articles of uniform which are taken in will be deposited in the Condemned Uniform Store and necessary entries showing the date of deposit, the rank, name and number of the man from whom received etc. will be entered in the Stock Book of Condemned Uniform.

**28. 24** The balance in the main Stock Book of Uniform will be struck on the last day of each month and the entries in this book which represent the totals of new serviceable articles in stock be compared with the Store Keeper's Stock Book of Uniforms of the same day. In the case of each article, the number in the main stock should correspond to that of the Stock Book of Uniforms of the same day.

The Dy. Superintendent. Of Jails incharge of the lines will carry out the check on the first day of every month and will record a note in the main stock of uniform that the check has been made and stock found to be correct. Discrepancy, if any, discovered should be reported immediately to the Superintendent who will either make an enquiry himself for give an order that enquiry be made by the Deputy Superintendent Incharge of the lines.

#### **28. 25 Estimate of annual requirement**



When annual issues of uniform have been completed the Deputy Superintendent will strike totals on all articles which have been deleted after making issued.

**28. 26** A consolidated abstract of these totals will be prepared at the end of the register and totals struck. To these totals will be added a proportionate provision for the men whose kits have not been inspected and the two results will be added together. From these latter, totals will be deducted the uniform in stock, and the balance will represent the requirement of uniform for the following year.

#### **28. 27 Dress and appearance**

No unauthorised ornaments or emblem shall be worn with uniform, watch chains trinkets etc. If worn shall not be displayed outside the uniform.

**28. 28** Hair shall be kept short and men whose custom is to shave shall not appear in uniform in an unshaven condition.

**28. 29** No officer or men in uniform shall be permitted to wear any caste marks. Officers and men when not on duty should not wear uniform but only plain clothes . They shall not appear at any time partly in uniform and partly in plain clothes.

**28. 30** All ranks shall appear in the uniform whenever they are on duty unless ordered by a superior officer. Smoking in public places is strictly forbidden.

#### **28. 31 Tenders**

Tenders for the supply of uniform and equipment shall be called by the HoPD, when necessary. On receipt of tenders and samples a comparative statement will be prepared in Director General's office and put up before the Central Level Purchase Committee for orders.

#### **28. 32 Uniform Committee**

When package of clothing or equipment are received in the Central Stores from contractors, the articles shall be surveyed by the Survey Committee in respect of quality, quantity as per approved sample.

**28. 33** Every article passed by the committee shall be taken into Central Store and entered in the stock and store register.

#### **28. 34 Maintenance and up keep of uniform**

Considerable economy can be effected if supervision is exercised over the maintenance and upkeep of uniform issued to Head Warders and Warders. In order to prevent damage by insects, warm articles of uniform should be frequently sunned and if damaged they should be darned and shorts, slacks, shirts etc. which are torn should be repaired. Such measures lengthen the life of garments. It is essential that shorts, shirts, slacks etc. Should be frequently washed. The enforcement of such Maintenance is mainly the responsibility of the immediate superior officer namely the Assistant Superintendent. Incharge lines of the prison.

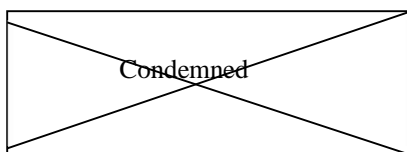
**28. 35** To ensure regular supervision over the maintenance and upkeep of uniform, kit of every Head Warder and Warder must be thoroughly inspected at least once during every quarter of the year by the Superintendent concerned. Whenever any one of these officers makes such an inspection he will record his initial and the date in the appropriate column on the last page of the kit book. Only one entry need be made for each man in every quarter irrespective of the number of times that his uniform is inspected. Officers concerned should note that making of such entry implies that the officer making inspection has had all necessary action taken in respect of repairs or washing to be done.

When visiting the prisons, Dy. Inspector General of Prisons must make a point of examining kit books and see that these orders are being complied with and any disregard of this rule must be suitably dealt with.

### **28. 36 Disposal of time expired unserviceable clothing**

Articles removed from kits shall invariably be called into the lines and surveyed. Some of these may be issued to the tailors to be converted into shoulder pads. The lower subordinates shall be entitled to purchase, for their own use, the time expired and unserviceable clothing offered for sale at a flat rate to be fixed by a committee of officers to be constituted by the Inspector General for this purpose.

**28. 37** All condemned articles of clothing and accoutrement which is to be sold will be stamped or punched as “Condemned” immediately after they have been surveyed and condemned. The stamp for this purpose will consist of a square with the diagonal points joined as illustrated below.



For clothing, the stamp will be 2 ½ inch square and accoutrements 3 ½ inch square.

**28. 38** All articles which are not utilised in the manner explained in rule will be sold in an open auction to the highest bidder. When the Superintendent or the store officer (Deputy/Assistant Superintendent) has in hand a sufficient quantity of condemned uniform, he shall report the fact to the Deputy Inspector General of Prisons who will arrange to hold an auction and notice of the intention to hold it must be given as wide publicity as possible. A statement must be prepared of the price obtained for each lot offered for sale and the total amount realized must be sent to the treasury for being credited to the Jail Receipts. If a professional auctioneer is engaged to conduct the auction, his commission or fee will be met from the proceeds of the auction before the money is so credited.

“The Auction committee will comprise the following officers.

- (i) DIG -Chairman
- (ii) Chief Accounts Officer/ Account Officer , Prisons -Member
- (iii) Dy. Secy. to Administration, Home Department- Member

### **28.39 Surrender of kit**

When a lower subordinate ceases to be member of the force from any cause or is transferred from one district to another, or promoted to upper subordinate rank, he shall surrender his full kit. The value of any article found to be missing or unserviceable shall be recovered in accordance with the rules. This shall also apply to the upper subordinates.

Kit of absentees

**28.40** The kits of lower subordinates proceeding on leave, absent without leave or admitted into hospital, shall be deposited in the clothing store or the store room of the concerned jails to which they are posted. Kits of men posted on duty of other than temporary nature on which uniform is not required shall be similarly deposited.

### **28.41 Purchase and acquisition of Miscellaneous Stores**

For the distribution and checking of all Government Stores, the Central Store is the channel. All stores newly acquired must in the first instance be entered in the appropriate register maintained in the Central Store. In this way the registers of Government property maintained in Central Stores will act as a check on all Government property throughout the Union Territory.

**28.42 Register and accounts to be kept**

Every new article of clothing, whether received readymade or made-up locally from material issued from stock, shall be brought on the Clothing Stock Book over the signature of the Deputy Superintendent.

**28.43** Each issue made to an individual shall be assigned a separate line, and the account shall be balanced on the last working day of each month and certified as correct by the Dy. Superintendent/ Assistant Superintendent of concerned prison.

**Warders (MALE)****Table- "A"**

S. No.	Article	Scale	Life
1	K.C. Shirts	2	Two years
2	K.D. Trousers	2	Two years
3	Pagri (for Sikhs only)	1	One year
4	Boots (Ammunition)	1 pair	One year
5	Jungle Boots	1 pair	One year
6	Cap Barret Khaki	2	Three years
7	Woollen Jersey	1	Two years
8	Great Coat	1	Six years
9	Set of buttons	1 set	Till serviceable
10	Shoulder Titles(Brass)	1 pair	-do-
11	Belt(leather) with brass buckle	1	-do-
12	Whistle(thunder)	1	-do-
13	Boot Polish	1 tin	One year
14	P.T. Shoes(training issue only)	1 pair	Six months
15	Whistle Cord	1	Two years
16	Socks	2 pair	One year
17	K.S. Trousers	1 pair	Two years
18	Angola Shirt	1	Two years
19	Cap badge	1	Till serviceable
As for Head Warders (Chevron /double stripes) As for Sg. Warders(Chevron / Single stripes)			
<b>Warders (FEMALE)</b>			
1	Shalwar cotton (khaki)/Pant	2	Two years
2	Shirts (Cotton Khaki)	2	Two years
3	Khaki chader	2	Two years
4	Shoes leather (black)	1	One year
5	Canvass shoes	1	One year
6	Over Coat	1	Six years
7	Shalwar cots wool/Pant Angola	1 pair	Two years
8	Shirt Angola	1	Two years
9	Jersey	1	Two years
10	BarrotCap Khaki	1	One year

In addition to above, item Nos. 8 to 16 as mentioned for Warders.

Pant Shirt for females compulsory on Weekly Parades and other special occasions.

**Table- “B”**

S. No.	Prison Officers	Badges of Rank
1	Inspector General of Prisons	Crossed sword, & one star and Baton
2	Deputy Inspector General of Prisons	State Emblem and three stars
3	Sr. Superintendent of Prison	State Emblem and two stars
4	Superintendent of Jail/Prison & Sr. Superintendent	State Emblem and one star (i) One star without ribbon on appointment (ii) Two star without ribbon after completion of Training/Probation period. (iii) Three stars without ribbon after completion of 3 years of service. (iv) State Emblem after 4 years of service. (v) State Emblem with star on getting Selection Grade or after completion of 10 years of service.
5	Deputy Superintendent	Three stars without stripe
6	Assistant Superintendent	Two stars (stars of India of normal size as worn by Police Officers) and ribbon of ½ inches wide half red and half blue (red colour facing the stars)-an inch from the base of the shoulder strap. The stars and letter will be of brass.
If the officer of the rank of Director General in IPS is posted as Head of the Prisons Department, then he/she will wear the badges of his/her own rank. Other Officials		
1	Head Warder	Chevron/double stripes
2	Selection Grade Warder	Chevron/single stripe
3	Warder	Plain Khaki without stripe
4	Class-IV	Plain Khaki without stripe

Ministerial Cadre		
S. No.	Designation	Rank equivalent in Executive Cadre
1	Section Officer	Deputy Superintendent- M (3 Stars without stripe)
2	Head Assistant	Assistant Superintendent–M (2 Stars with stripe)
3	Personal Assistant-cum-steno(PA)	Assistant Superintendent(M)
4	Jr. Steno	Head Warder M(Chevron/double stripes)
5	Senior Assistant/Storekeeper	Head Warder(M)
6	Teacher	Head Warder(M)
7	Junior Assistant	Sg. Warder M (Chevron/Single strip)
8	Jamadar	Warder(M)
9	Orderly and others	Warder(M)

Note.—Technical Staff (Gents/Ladies) not covered above, shall wear black Pant and White Shirt with formal black Shoes.

#### **28.44 Probation period**

Persons directly appointed to any post in the prison service shall be on probation for two years. Wherever necessary the Appointing Authority may extend the probation period.

On selection, each incumbent shall sign the oath of allegiance in the prescribed form.

Probation period will include the period of institutional and practical training and the period during which the probationer will be given an opportunity to display his capacity for wielding responsibility and exercise judgment.

Note.—The question of extending the period of probation, or of confirming, reverting or discharging an incumbent, should be decided invariably before the expiry of the period of probation.

#### **28. 45 Appointment**

On the successful completion of training, and after the probationer has been tried and tested through a phased programme of assigning responsibilities, his initial appointment and posting orders should be issued.

As and when appointments are made on purely temporary basis, they should be made under specific orders.

Provision shall be made for outsourcing technical services like Electrician, Plumber, Barber, Sweepers etc by the Superintendent of the Prison as and when need arise.

#### **28.46 Confirmation**

For being confirmed in service, the probationer shall fulfill the following conditions:

- a) Passing various tests and examinations during the basic training period.
- b) Successful completion of the probationary period.

#### **28.47 Seniority**

Seniority should be fixed on the basis of the date of appointment in the cadre, and date of promotion to a higher cadre in accordance with guidelines issued by the Administration. Cadre-wise seniority and gradation lists of the prison personnel should be published annually.

#### **28.48 Promotions**

Special care should be taken in giving timely promotion to eligible personnel. Efficiency merit, integrity and trust worthiness of every incumbent should be evaluated and reflected in his annual confidential report. The mechanism indicated under the caption 'Recruitment and Selections' in this chapter should be followed while giving promotions to the personnel in the respective cadre. Incumbents who qualify for higher jobs should be listed in accordance with merit in the eligibility lists for promotions. Promotions to higher cadres should be based on seniority-cum-merit.

#### **28.49 Transfer**

The minimum tenure of non-gazetted and gazetted staff, at one station, shall normally be three years and two years, respectively.

While deciding on transfers, factors like:

- (a) needs of the department and the institution,
- (b) suitability of the incumbent to the post to which he is being transferred, and
- (c) Reasonable needs of the government servant such as availability of educational facilities for his children, domestic difficulties of a special nature, etc should be considered.

#### **28.50 Hours of Work**

There should be a well planned and properly regulated timetable of work hours for every category of personnel. Normally no staff member, including guarding personnel, shall be required to work for more than eight hours a day. There should be a schedule of institutional duty, day duty, night duty, sectional duty, premises duty, off duty, etc. Responsibilities pertaining to premises duty, duty-on holidays, etc should be clearly defined. Every incumbent should get 24 hours off-duty once a week.

Night patrol duty should not exceed two hours at one time. After every such duty, the guard should be given at least two hours of rest. In one night a guard should not be given more than three patrol duties.

Other than officials on guard duty, those who work on holidays shall be allowed additional off – days or extra pay in lieu of work on holidays.

Holidays will be observed as specified by the Administration.

Note.—(i) The Superintendent of Jail is authorized to make all reasonable adjustments in hours of work.

Note.—(ii) In times of emergencies like escapes, riots, assaults, fire, etc., all personnel on the premises, whether off-duty or otherwise, will instantaneously report for duty.

#### **28.51 Additional Staff during Emergencies**

In the event of sudden influx of inmates or epidemics, additional staff, according to recruitment rules should be appointed on purely temporary basis by the Department Selection Board or from Police Department.

### **28.52 Facilities While on Duty**

The following facilities should be extended to the personnel on duty:

- a. Restrooms with beds for the use of staff members who are required to wait in the institution between their duty periods.
- b. Staff canteen.
- c. Bathrooms, lavatories and w.c s.
- d. Lockers.
- e. First-aid boxes including necessary equipment for snakebites, at remote duty points/prison farms/out posts, etc.
- f. Torches and boots for night duty personnel.
- g. Raincoats, umbrellas, overcoats, gumboots, etc.

### **28.53 Housing**

Rent free residential accommodation including electricity and water charges for all prison personnel should be provided in the prison campus as they are performing duties under special circumstances and are bound to reside in Prison campus round the clock and are not there as a free-will. In case the official does not vacate the accommodation upon his transfer, HoPD may initiate coercive actions and shall be treated as grave mis-conduct.

Each institution should have provisions for lodging officials, guests, and other visitors, visiting the institutions.

The following facilities should also be extended to staff quarters and premises:—

- a) Periodical disinfection.
- b) Conservancy and sanitation services in staff quarters.
- c) Maintenance of parks and other utilities on the premises.

### **28.54 Medical Facilities**

The following medical facilities should be extended to the staff and their families:-

- (i) A properly equipped hospital and maternity ward, with ambulance facilities.
- (ii) Free medical attendance and treatment at the institutional hospital, at the Civil Hospital and at special institutions like T.B. sanatoria, Infirmarys, etc.
- (iii) Special medical facilities to prison personnel suffering from tuberculosis, leprosy, cancer, heart disease, etc. at par with other government servants.
- (iv) Facilities during convalescence period such as leave medical aid and concession in hours of work.
- (v) Anti-rabies treatment

### **28.55 Educational Facilities**

The following educational facilities for the benefit of children of prison personnel should be extended:—

- (i) Schools near the institutional premises.
- (ii) A school bus for children of the staff in institutions situated at a distance from the city.
- (iii) Transport at government cost for educational needs of children of the staff or an alternative suitable Transport Allowance for school/ college going children of the staff.



- (iv) Hostel accommodation for children of transferred and other staff members, in institutional premises.

#### **28.56 Miscellaneous Facilities**

In case an institution is located at a distance from the city or town, the administration shall make necessary arrangements for the housing of staff members within the prison premises. Medical facilities should be provided in cases of medical emergencies and sickness. Mess for staff members. Use of institutional transport on payment at the time of transfer. Leave travel concession to all categories of prison personnel to their home town or village once in two years, along with their family members. Such concession should also be given to all staff members to travel anywhere in India once in four years.

Sports facilities, annual sports meets, and travelling allowance incidental to the above

#### **28.57 Rewards**

The HoPD/DIG Prisons and the heads of Institutions shall have powers to sanction suitable cash rewards to deserving staff members in appreciation of outstanding work and special services such as capture of escaped prisoners, exhibition of high degree of courage, loyalty and trustworthiness, devotion to duty and initiative and resourcefulness during times of emergency, and other meritorious services. For this purpose adequate funds should be made in the annual budget of the department.

#### **28.58 Financial Assistance and Compensation**

In the event of prison personnel suffering serious injury and accident in the discharge of their duties, the HoPD should have powers to sanction immediate financial assistance upto Rs.20,000/- .In deserving cases, where assistance beyond this limit is necessary, HoPD should refer the matter to the Administration. In case of death of prison personnel in lawful discharge of his duties, a sum of Rs.5,00,000/- (Rupees five Lakh) shall be paid to survivors in his family.

#### **28.59 Protection from Damages**

Necessary facilities at Government cost shall be extended to staff members to defend themselves in the event of criminal prosecution/civil proceedings arising out of bonafide discharge of official duties. Legitimate protection should be extended to personnel in matters related with recovery of damages for bonafide delays, errors of judgment and false allegations.

#### **28.60 Pension**

All pension formalities should be completed fairly in advance of the date superannuation of a prison officer. Delays in completion of pension papers should be avoided in all cases.

#### **28.61 Staff meetings**

The Superintendent will convene a monthly meeting of the institutional staff members. The objectives of this meeting should be:

- (a) Coordination in institutional activities.
- (b) To improve methods of work.
- (c) To interpret governmental policies to staff members.
- (d) To explain new procedures, rules and regulation and policies regarding inmate discipline, treatment of prisoners and institutional management.
- (e) To explain policies relating to personnel management, staff discipline and morale in the staff lines.
- (f) To explain welfare programs chalked out by the Staff Welfare Committee.

- (g) To give opportunities to staff members to discuss their common problems.
- (h) To communicate appreciation of good work as and when necessary.
- (i) To reward staff members as and when necessary.

Minutes of the proceedings of the meeting should be recorded and a copy of it should be forwarded to the HoPD/DIG with the remarks of the Superintendent.

#### **28.62 Conference**

Conferences of departmental personnel should be held annually. The objective of such conferences should be:

- (a) To take stock of achievements.
- (b) To evaluate current procedures, practices and methods of the organization.
- (c) To plan for future development of the department.
- (d) To understand staff problems and staff aspirations.
- (e) To promote best practices in custodial management.

Minutes of the conferences should be recorded and the HoPD should forward the same to the administration, along with his suggestions and appropriate proposals. Action taken on these minutes and a proposal will be communicated to the institutional personnel by the Prison Headquarter.

#### **28.63 Staff Training**

Correctional Administration shall constantly seek to awaken and maintain in the minds of the personnel the conviction that correctional work is a social service of great importance, and to this end all appropriate means should be used.

**28.64** Correctional work is a specialized field. The principle job of the correctional personnel is social re-education of offenders. The effectiveness of correctional administration, institutional discipline and the impact of treatment mainly depend on the quality of the correctional staff. Untrained and uninstructed personnel are not only ineffective, but quite often become detrimental to the proper implementation of correctional policies. The training of correctional personnel is, therefore, of paramount importance in any system of Correctional Administration. Training programs will aim at:

- (i) Acquainting correctional personnel with scientific and progressive methods of Correctional Administration.
- (ii) Making them conscious of their responsibilities, and the role they have to play in a Welfare State.
- (iii) Broadening their cultural and professional interests, expanding their experience, refining their abilities and skills, improving their performance of administrative duties and providing them with experience to meet future needs of the department in positions of higher responsibility.
- (iv) Inculcating an esprit-de-corps amongst the correctional personnel.

**28.65** Correctional personnel should be properly trained in the theory and practice of correctional work. After entering the service and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending various training programs, and through their own individual efforts.

**28.66** Correctional personnel shall be given special training (in P.T., drill, unarmed combat, cane drill and mob-dispersal drill) to enable them to restrain aggressive prisoners by the means prescribed by the authorities in accordance with the relevant rules and regulations. Personnel who are provided with arms shall be trained in their use and instructed in the regulations governing their use.

**28.67** Training is a continuous process. The initial basic training imparted at the training school shall be continued at the correctional institutions. Suitable training programs should be organized so that the institutional personnel are in constant touch with current development in the field of corrections.

The training process will reveal individual capabilities. Through such knowledge, the right person can be given the right job. This will ultimately lead to proper utilization of human resources.

Training of correctional personnel will not only be helpful in creating a proper cultural atmosphere in the department but will go a long way in establishing good traditions and practices of institutional management and correctional processes. A properly trained staff will be an asset for the proper implementation of prison reforms. With the impact of training, the attitudes and abilities of the personnel will improve. The expenditure incurred for staff training will ultimately result not only in departmental gains but also in social gains in terms of better institutional impact and ultimate rehabilitation of offenders.

All new recruits to the prison department, whether inducted as security, custodial, executive, treatment or supervisory staff should be imparted basic training of sufficient duration appropriate to their job requirements. All officers and staff taken on deputation from other departments should be given a short orientation course at least for a fortnight with regard to the functioning of the prison department.

No Prison personnel shall discharge any official duty without completion of basic training. Adequate training reserve should be provided in each cadre of the Prison and Correctional Service so that in-service training can be organized for them. The number of such staff can be assessed.

## **28.68 Training Institute**

### **Training of staff**

1. For training of executive, security ministerial and Correctional staff of Prisons department- a training school will be set up by the Administration. The training school shall be provided the requisite supervising staff and other officers. The above school shall also formulate a wing of research and development for the prison department.

## **28. 69 Functions**

The functions of a Training School/Regional Institute of Correctional Services will be:

- a) Training;
- b) Research;
- c) Studies on Organization and methods; and
- d) Publication of pamphlets, papers, handbooks, Correctional Service Journals.

Only qualified persons with an aptitude for training and teaching should be posted at these institutions. An incentive not exceeding 10% of basic salary should be extended as a special allowance during their posting at Training Institute.

Experts invited to deliver lectures at the training institutes should be provided with a set of guidelines about the content of training. Permanent academic staff of the training institutes should also be oriented to the training requirements of various aspects of correctional work. Teaching facilities and faculty at the training schools of other States, Universities and Schools of Social Sciences should be utilized for training purposes. The visiting lecturers should be paid suitable honorarium and travelling allowances, as per university norms.

Proper literature should be prepared for meeting the training needs of various categories of personnel of the Department of Prisons and Correctional Services by the Principal of the Institute.

## **28.70 Training courses**

Training courses for Correctional Services should be organized on the basis of Training Needs Analysis to be conducted by the experts in this field. The following training courses should be organized at the Training institutes:

- (i) On recruitment all correctional officers i.e. Superintendent, Assistant Superintendent and warden shall undergo an initial basic training course which will be phased as shown below:
  - (a) Initial basic training at the Training School/ Institute for nine months.
  - (b) After the successful completion of basic in training the trainee officers should be posted for duration of 2½ months for practical training in various branches of institutional management at a Central Prison.
  - (c) On completion of practical training, the trainee officers should be given independent charge of the post for which they have been recruited, for a period of six months.
- (ii) Serving officers, who have had no opportunity to get the initial training as stated in sub-rule (a), shall undergo a training course for three months. For such officers, placement for practical training and holding of independent charge as stated in sub-rules (b) and (c) will not be necessary.
- (iii) Serving Superintendents, Deputy Superintendent, Assistant Superintendent, and other correctional officers of all grades will undergo refresher courses of one month duration once in every five years.
- (iv) Vertical Interaction Courses (thematic) for prison officers.
- (v) Short-term courses on various aspects of Correctional Administration and Treatment of Offenders.
- (vi) All newly recruited and untrained serving warders shall undergo an initial basic training course for 12 months. During this period they will be given practical training in every aspect of institutional management.
- (vii) Refresher courses of two months duration for custodial/ security personnel. It should be obligatory for them to undergo such training once in every five years.
- (viii) The HoPD shall prepare a panel of officers having special merit and capabilities for attending conferences and special training courses, within the country and abroad.
- (ix) National and Regional Level conferences shall also be held at the Institute in collaboration with Bureau of Police Research and Development.
- (x) Study teams of senior officers should be deputed to visit other States in the country. Such teams may also visit countries where innovative correctional programs and practices have been successfully introduced. Officers with outstanding performance in the department should be given preference for such visits.

## **28. 71 Facilities during training**

The following facilities should be extended to personnel undergoing training:

- (i) Full pay for newly recruited personnel.
- (ii) Usual emoluments for in-service personnel.
- (iii) Training allowance for in-service personnel.
- (iv) Rent-free quarters.
- (v) Mess arrangements.
- (vi) Free medical aid.
- (vii) T.A. and D.A. facilities for travel incidental to training.
- (viii) Grant for purchase of books.
- (ix) Study leave for going abroad, or to another State, for training.
- (x) Periods of training should be counted as on duty for all purposes.

### **28.72 Discipline**

The Director/Principal of the Training Institution will frame necessary rules regarding discipline and will be authorized to take disciplinary action in the event of breach of discipline.

The trainees will wear the prescribed uniform during the training period.

### **28.73 Tests and Examinations**

The Director/Principal will fix details about examinations and tests. Trainees of all cadres shall be required to pass the prescribed examinations and tests. In case a trainee fails to reach the required standards during a training course, the Principal will forward a report to the HoPD for suitable action. Failure to pass the examination and to complete the training courses satisfactorily will make the trainee liable for such disciplinary action as the HoPD may think fit. In case of newly recruited personnel, such failure may result in discharge from service.

The evaluation of a trainee should be made on the basis of his total performance in all the tests and examinations. The trainees will be evaluated in respect of the following, amongst other points:

- (a) Time-out and discipline.
- (b) Capacity for hard work and physical endurance.
- (c) Performance in each test and examination.
- (d) Special capacities shown during the training course.
- (e) Leadership.
- (f) Conduct, integrity and trust worthiness.

### **28.74 Library-journal-recreational facilities**

Training schools should have a good library and reading room facilities. Provision for purchase of books and periodicals, should be made in the annual budget of the institution.

A Correctional Services Journal should be published by the training schools. Recreational facilities should be organized. A museum showing the historical development of Prison Administration and other aspects of institutional management should be set up at the training school.

### **28.75 Continuation of training at the place of work**

The following training facilities should be organized at the institutions:

- (i) Interpretation of policy by senior officers from the Headquarters during visits.
- (ii) Library and reading room facilities for staff members.
- (iii) Lectures by professors from the Universities and Schools of social work on subjects related to correctional work.
- (iv) Fort nightly talk on correctional methods by the Superintendent or any other officer.
- (v) Reading of papers, case histories, etc., by institutional staff members.
- (vi) Monthly discussions on improvement in administrative procedures, methods and organization, etc.

**28.76** In order to keep the officers and men in good shape, the training given at the training school in drill, parades, musketry, unarmed combat, cane-drill and mob dispersal drill should be continued at the institution also. Particular attention should be paid to games. Efforts should be made to instill interest and enthusiasm in the personnel by the introduction of new items and methods of training. Opportunities should be provided to stimulate initiative, intelligence, independent judgment and resourcefulness among the personnel.

**29.71** Subject to general or specific orders, which may be issued in this behalf by the HoPD, the training programme will consist of physical exercises, squad drill, weapon training, bayonet fighting, ceremonial parade, unarmed combat, baton and cane drill, mob-dispersal, obstacle course, inspection of guard and sentry duties, saluting, kit inspection and emergency drill.

Musketry practice for officers and guarding personnel shall be held once every six months. All security measures shall be adopted on such occasions. An officer well versed in all these matters shall be made in charge of such training. Wherever required, necessary assistance may be obtained from the local police authorities.

**28.77** Assistant Superintendents will do physical training and drill at least twice a week. They shall participate in the weekly parades.

The following training programs will be conducted for the guarding personnel:

- (a) Physical training and drill for 45 minutes a day, four days a week.
- (b) Instruction in rules, procedures, etc., once a week to be given by an Assistant Superintendent or a senior member of the guarding personnel.
- (c) Practice in preventing and controlling emergency situations once a month.
- (d) Games like cricket, hockey, volleyball, basketball, may be organized in accordance with available facilities at each institution.

#### **28. 78 Central Welfare Committee**

There will be a Central Welfare Committee in the HoPD Office comprising of the following members :-

- 1 HoPD- Chairman.
- 2 Deputy Inspector General -Member-Secretary
- 3 Superintendent of Police - Member
- 4 Superintendent Jail - Member

#### **28. 79 Functions**

The functions of the Central Welfare Committee shall be:

- (i) chalk out a programme for staff welfare. To
- (ii) build a welfare fund. To
- (iii) prepare an annual budget for the utilization of the welfare fund. To
- (iv) a staff canteen, To run
- (v) organize a Cooperative Credit Society and a multipurpose cooperative shop for the institutional staff. To
- (vi) impress upon the staff members the necessity of programs of postal savings, small saving schemes, postal insurance, Janata Insurance policy, etc. To
- (vii) supervise the maintenance of the welfare fund, its accounts, and to get them audited annually. To

(viii)

To

prepare an annual report about welfare work.

**28. 80 Staff Welfare Committee**

There will be a Welfare Committee at each prison consisting representatives of Executive, technical, ministerial and guarding/custodial Personnel. The Superintendent will be the ex-officio Chairman of the Committee. The Welfare Committee will meet at Least once a month. Minutes of its meetings shall be reported to the Chairman of Central Welfare Committee.

**28. 81 Welfare benefits**

The following benefits will be provided to the personnel out of the welfare fund:

- a. Relief in the case of sudden illness.
- b. Medical aid where more than ordinary medical help is required and which is beyond the economic capacity of the staff member.
- c. Aid for the education of children of the staff.
- d. Facilities to family members of the staff for running cottage industries and handicrafts like sewing, spinning, manufacture of matches, etc.
- e. Reservation of seats in hostels and educational institutions for children of staff members.
- f. Staff canteen.
- g. Recreational and cultural activities.
- h. Staff club.
- i. Staff libraries.
- j. Staff sports, institutional and inter-institutional fixtures, etc.

**28. 82** A proper forum should be provided at the institutional level for prison personnel to ventilate their grievances common to the entire service/cadre and to hold meaningful discussions for their re-dressal.

The following Committee shall receive grievance in the Institutions :—

- |       |  |                |
|-------|--|----------------|
| (i)   | Superintendent of Jail.                    | Superintendent |
| (ii)  | Superintendent / Assistant Superintendent. | Deputy         |
| (iii) | Warder.                                    | Head           |

Concerned Superintendent shall forward the same to Headquarter with his recommendations or dispose it at his own level as the case may be.

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**CHAPTER XXIX****MISCELLANEOUS****29.01 Inclusion of Prisons in Development Plans**

Since prison administration has a direct bearing on the improvement of the quality of life of those who deviate from the accepted social norms, the development of prisons shall be pursued as an integral part of the National Development Plans. Investment on prisons shall lead not only to the reformation and rehabilitation of offenders as law-abiding citizens, but also to safeguarding the life of those adversely affected by crime. Therefore, there is urgent need to formulate schemes for development of prisons in their entirety in the Central and Local Plans. Such schemes should not only relate to the correctional content of prison programs but also to improvement in the quality of prison staff, which is the main tool of correctional administration.

**29.02 Prison Advisory Board**

There shall be a Prison Advisory Board to advise the UT Administration and the Prison Administration on matters relating to correctional work in prisons, rehabilitation of inmates and redressal of grievances of prisoners.

The Prison Advisory Board shall also act as a meeting ground of departmental heads of Prison, Law and Justice, Police, Education, Technical Education, Health and Public work Department, in order to bring about effective inter-departmental cooperation and coordination.

The Prison Advisory Board shall also play the role of opinion leaders creating Social awareness in all walks of life and stressing the need for rehabilitation of offenders.

**29.03** The Prison Advisory Board shall comprise of the following officials of the Administration of the Union Territory of Ladakh:-

- a) Administrative secretary to Home Dept - As Chairman
- b) HoPD as Member - Secretary.
- c) Law Secretary or any of his nominees not below the rank of Additional Secretary - Member
- d) DIG Prison
- e) Director, Education Ladakh.
- f) Director, Technical Education.
- g) Director, Health Service Ladakh
- h) Chief Engineer, Public Works Department Ladakh
- i) The Director of Industries.
- j) Nominee by Finance Department.
- k) Director, Social Welfare Ladakh

**29.04** The following Non-Officials shall also be appointed by the Administration as Members of the Prison Advisory Board:-

- a. Three eminent members of the public, working in the field of prison administration and welfare; among them one shall be a woman.
- b. A retired officer of prison service, not below the rank of Superintendent of the Prison.

**29.05** The Prison Advisory Board shall hold at least one meeting in a calendar year.

In the wake of any extraordinary situation, the Member Secretary is authorized to convene a special meeting of the Members of the Prison Advisory Board to apprise the Members of details of the situation warranting



such meetings. The proceeding of every meeting of the Prison Advisory Board shall be recorded in the Minute Book, and a copy of the same shall be forwarded to the Advisor to Hon'ble LG and the Principal Secretary/Secretary of the Home Department. The Members of the Prison Advisory Board may visit any prison of Ladakh. The Members of the Prison Advisory Board, however, shall refrain themselves from visiting any prison during the period between evening locking-up and morning unlocking.

The Superintendent shall present before the visiting Member/Members of the Prison Advisory Board any paper/document in connection with the correctional work, recreation, training of prisoners, prison diet, health-care of prisoners, grievances of prisoners and re-dressal of prisoners, if the same is sought for by the visiting Member/Members of the Prison Advisory Board. For the purpose of the meetings of the Prison Advisory Board six members, including at least two official and two non-official members, shall comprise a quorum. If a non-official member of the Prison Advisory Board fails to attend the meetings of the Board, despite prior intimation and notice, on three successive occasions, his/her membership of the Advisory Board shall stand cancelled automatically and the Member Secretary of the Board shall move the Administration for appointing a new non official member in his/her place.

A Non-Official member of the Prison Advisory Board shall hold office for a period of three years from the date his/her appointment to the Board, and may be considered for reappointment. The administration reserves the right to cancel the appointment of any nonofficial member of the Prison Advisory Board at anytime. A non-official Member of the Board shall receive allowances, as prescribed by the Administration from time to time, for attending the meetings of the Board.

#### **29.06 Planning, Research and Development Mechanism**

A mechanism be evolved for providing the necessary feedback on the efficacy of prisons and correctional services in achieving their objectives and goals through monitoring, study analysis and research, and to keep the system abreast of the new trends and developments in the field. Such a mechanism should clearly spell out the specific objectives and goals not only for the organization, but also for individual institutions, in terms of functional renovation and reconstruction of prison buildings, diversification of correctional institutions, classification of prisoners, rehabilitative reorientation of prison industries, correctional content of prison programs, recruitment and training of prison personnel and modalities of coordination with other branches of the Criminal Justice System. It should set quantitative targets for the correctional system such as: number of criminals rehabilitated; number of ex-offenders; number of prisoners educated; increase in productivity of prisons; sale proceeds of prison manufacture; amount of loan extended to inmates/ex-inmates under innovative banking schemes and other sources, etc. There shall be an established procedure for reviewing the organizational and institutional goals by the department at least once a year.

The usefulness of statistics and research for the efficient and healthy management of prisons cannot be over-emphasized. However, the Prisons Department may collaborate with academic bodies and other agencies interested in problems of prevention and treatment of crimes and conducting research projects towards such objectives. These projects shall be subject to the scrutiny of the HoPD. Conclusion of such research may be published with the prior sanction of Administration.

#### **29.07 Prisons Development Board**

In order to improve and modernize the infrastructural facilities in prisons, a high powered Prison Development Board shall be set up to have an institutional arrangement conducive to speedy decision making and to take full advantage of modern technology and managerial practices.

The Board shall consist of the following members:

1. Administrator of the Union Territory of Ladakh	Chairman
2. Advisor to Honb'le LG	Vice-Chairman
3. Registrar General, J&K and Ladakh High Court	Ex-officio Director
4. Administrative Secretary Home Department.	Ex-officio Director
5. Administrative Secretary Finance Department.	Ex-officio Director
6. Administrative Secretary Revenue Department.	Ex-officio Director
7. Head of Prison Department.	Ex-officio Director
8. Administrative Secretary Law Department	Ex-officio Director
9. Director Prosecution	Ex-officio Director
10. Two persons to be nominated by the Administration out of whom one shall be a women, from among such non-officials who have distinguished themselves in the field of Prisons Administration or Prison reforms or service to prisoners or Human rights	
	Members

## **29.08 Inquiry and Punishments**

The prisoner personnel shall be governed by the Civil Service Regulations and other Service Conduct rules as applicable for the time being and thus enquiries and punishments are to be followed likewise. It is stressed and enshrined that any action on account of misconduct shall be initially based on the departmental enquiry to be conducted by the prisons officers only. Any judicial enquiry or outside department enquiry shall be ordered only, in case the preliminary inquiry conducted by the department prima-facie establishes the involvement of the prison officials.

Necessary facilities at government cost should be extended to staff members to defend themselves in the event of criminal prosecution/civil proceedings arising out of bona-fide discharge of official duties. Legitimate protection should be extended to personnel in matter related with recovery of damage for bona-fide delays, error of judgements and false allegations.

## **29. 09 The functions of the Board shall be:**

- (i) To examine the living conditions of the prisoners in all the Prisons/Jails with specific reference to their basic needs and provision of facilities compatible with the dignity of human life;
- (ii) To look after the prisoners with humanity and help them lead law abiding and useful lives after their release;
- (iii) To endeavour to reform and re-assimilate the prisoners in the social milieu by giving them appropriate correction treatment;
- (iv) To see that the prisoners are provided sufficient accommodation, hygienic surroundings, sufficient water supply, sun light, ventilation and adequate medical attention, if necessary by repairing or altering the existing Jails;

- (v) To build new prisons where the existing prisons are not in a satisfactory conditions or beyond repair;
- (vi) To review the programs of treatment of prisoners, education, vocational training, industry, manufacturing activities, agriculture, poultry, dairying, horticulture and such other occupational activities being carried on in the prisons with a view to developing prisons as correctional centres;
- (vii) To efficiently manage the prisons, if necessary, by acquiring properties, whether movable or immovable including computers, communication facilities, gadgets, vehicles, security or surveillance equipment, electronic video linkage systems etc.
- (viii) To collaborate with corporate houses for Corporate Social Responsibility (CSR) funding for above purposes.

**29. 10** The Board shall have, and maintain, its own fund as the Prisons Development Fund to which shall be credited:

- (a) All moneys received by the Board from the Ladakh Administration and Central Governments, by way of grants, loans, advances or otherwise;
- (b) All moneys borrowed by the Board by way of loans or debentures ;
- (c) All moneys generated by the agricultural, horticultural, industrial or manufacturing activities undertaken by the prisoners in prisons.

**29. 11** The Prisons Development Fund shall be applied towards meeting the expenses incurred by the Board in the administration of the rules and for such other purposes as may be prescribed in the detailed byelaws to be formulated separately.

**29. 12** The Board may keep such sum of money out of its funds in deposit in any of the branches of the Jammu and Kashmir Bank Limited, and any money in excess of the said sum shall be invested in such manner as may be prescribed.

**29. 13 Publication of Annual Report**

The Board shall prepare every year in such manner and in such form as may be prescribed an annual report giving a true and full account of its activities during the previous year and submit the said report to the administration.

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## **APPENDICES**

**Appendix- 1**  
**HANDBOOK FOR PRISONERS**  
(See Chapter V)

**PRISONER'S RIGHTS AND OBLIGATIONS**  
**A Handbook for prisoners**

### Admission

At the time of admission a prisoner shall

- Be treated with courtesy.
- Submit to thorough search.
- Notify details of his identity, family members, close relatives, friends, legal representatives and diplomatic mission in case of foreigners so that they can be informed about his admission or transfer.
- Submit a list of persons who are likely to seek interviews with him.
- Deposit his personal belongings with the jail authorities, which shall be registered in the prison record and returned to him on release.
- Be informed of the rules, regulations, his rights and obligations and his legal status in prison.
- Be classified for the purpose of segregation according to his status like under trial, detainee, convict, juvenile, women, habitual, high risk etc.



### Classification and Medical Examination

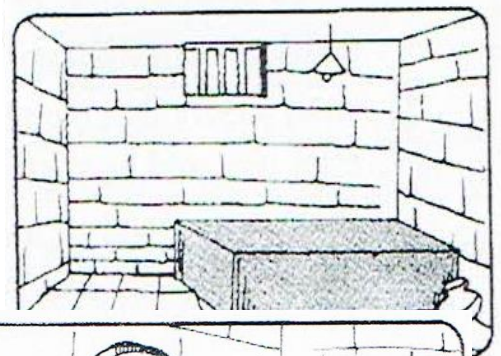
A prisoner after admission shall be kept separately for some time, according to his classification, in the reception ward :

- For medical examination, observation etc.
- To get his injuries, if any, examined.
- To have a medical screening where he will give truthfully and freely his medical history, including correct information about blood group, allergies, etc.
- To be vaccinated, if needed.



### Accommodation

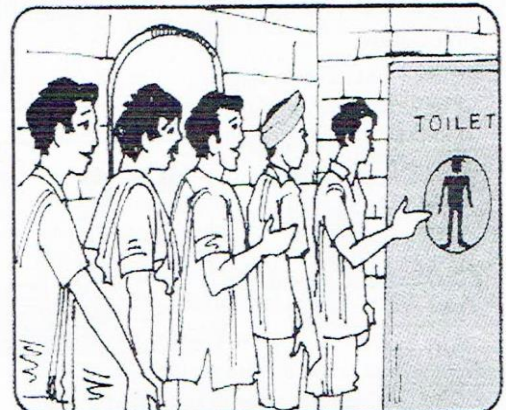
- Every prisoner shall be provided adequately ventilated, clean and sufficient living space with good lighting system.
- He shall be accommodated separately according to the classification and socio-cultural background.



### Sanitation and Hygiene

A prisoner shall :

- Maintain personal cleanliness and all-round hygiene at all times.
- Keep his clothes, blankets, bedding, utensils and his surroundings clean and orderly.
- Ensure that he and his fellow inmates keep their living place neat and clean and they do not spit around.
- Make separate queues for latrines and urinals.
- Shall wait for his turn in the queue for nature's call.





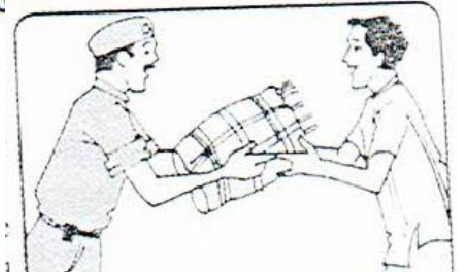
- Shall ensure that the previous user flushes the latrine/urinal after use, and he shall do the same.
- Shall only spend as much time in the bathroom as is absolutely necessary and be sensitive to the Fact that others are waiting for their turn.
- Not litter the surroundings.
- Keep his nails clean and trim them regularly.
- Wash his hands before working in the cook house or before touching food articles.
- Bathe and wash his clothes every day.
- Be provided with adequate water supply for bathing and washing, sufficient toilets and a good drainage system with periodical repairs and maintenance.
- Be provided shaving and other soaps, brush etc. at Government cost.
- Be provided the services of the barber for shaving or clipping.



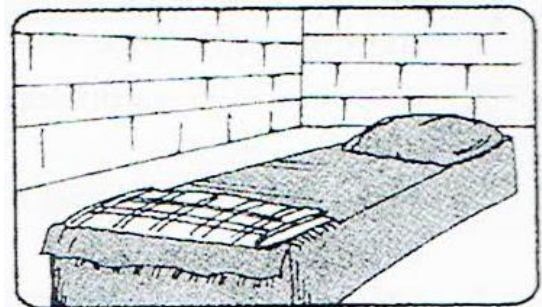
### Clothing and Bedding

- A prisoner shall be provided sufficient, proper, neat and clean clothing and bedding, according to season.

Under trials and those awarded simple imprisonment can wear their own clothes. If they do not have sufficient clothing or bedding, the same shall be provided at Government cost if the Superintendent permits.



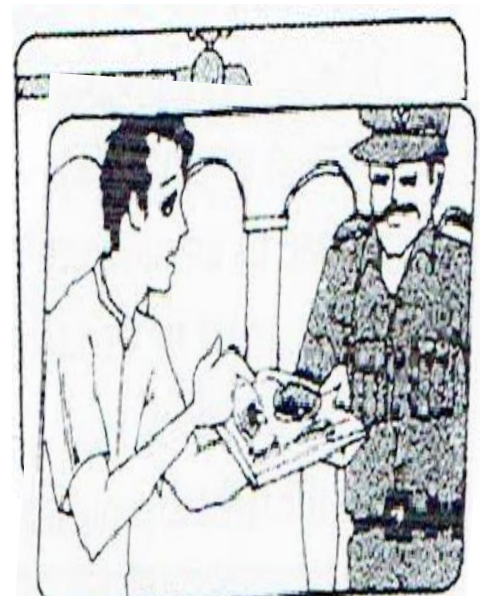
- A prisoner can wear his own clothes whenever authorized to move out of the prison.
- He shall wear the clothing given to him and not exchange it or any part of the prison kit with that of any other prisoner.
- he shall be provided the facility for washing, proper aeration and periodic fumigation of clothing and bedding.



### Food

A prisoner shall be provided :

- Three meals a day according to the prescribed diet.
- Timely, hygienic, nutritious and medium quality food in sufficient quantity.
- Properly inspected food, cooked and served in appropriate utensils.
- Food articles, which are properly cleaned, carefully sifted, inspected and preserved in good and wholesome condition.
- Fresh vegetables.

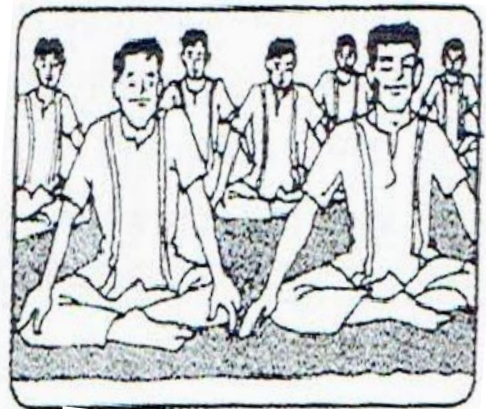


- Potable and sufficient drinking water, made available conveniently at all times.
- A special diet as prescribed by the medical officer, if he is sick.
- Extra nutrition in case of a nursing or pregnant woman or a juvenile.
- Extra or reduced scale of diet only on the medical officer's advice.
- Special diet on religious festivals and national holidays.
- Food suitable to the occasion if he is observing fast or rozas. However, a medically unfit prisoner is not allowed to fast without permission of the medical officer.
- The entire daily ration at evening meal if he is fasting. He is allowed to take it to his barrack or cell for use during night or the following morning.
- If food is insufficient or inferior in quality, a prisoner can complain to the jailor in charge of the kitchen, who will promptly investigate and report the facts to the Superintendent.

### Health Care

A prisoner is entitled :

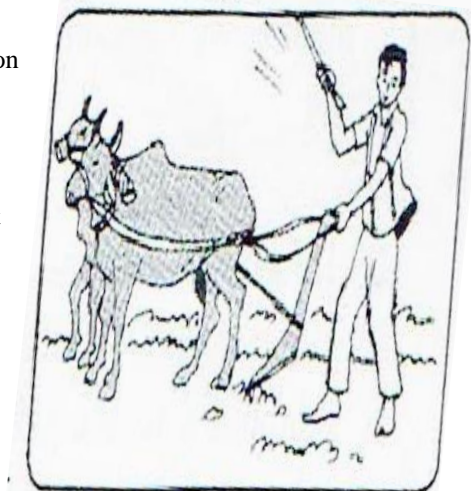
- To proper and free health care, including specialist treatment and dental care.
- To second medical opinion and access to all medical information concerning him.
- To space and material for daily physical exercise to help him keep a good physical and mental health.



### Work and Wages

A prisoner

- Who is medically fit shall work to gain skills for rehabilitation after release.
- Cannot be subjected to forced labour.
- Who is an under trial or a prisoner under simple imprisonment cannot be allotted any work unless he so desires.
- Shall not be employed on labour for more than the stipulated hours in any one day, except in case of an emergency and by the order in writing of the Superintendent.
- Has the right to protest or complain if the officers and the prison staff employ him for private work at their residences and attached gardens.
- Has the right to weekly off. No work except menial and other necessary work shall be done on Sundays and other prison holidays.
- Will be protected from undue exposure to the vagaries of weather while at work.

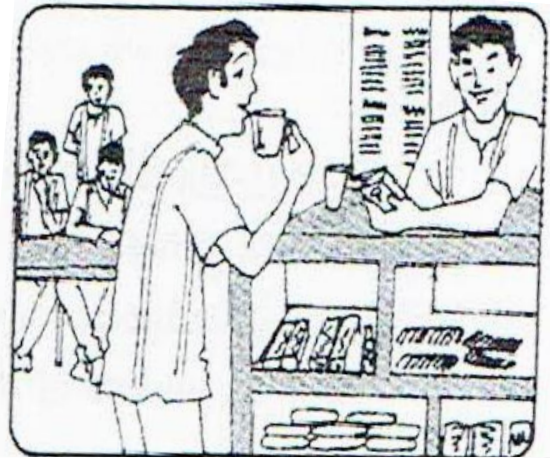




- Who works shall be paid fixed wages on condition that he completes his daily quota of work to the satisfaction of the prison authorities.
- Shall have his wages credited to his wage account.
- Can spend a part and send a part of his wages to his family.
- Shall get the saved amount on his release.

### Facilities and Amenities

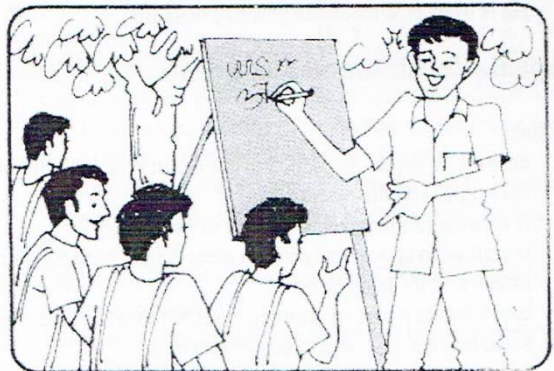
- A prisoner can spend part of his earnings on postcards, envelopes and the likes, books and other approved items and payment of fine or other legal obligations.
- He has canteen facilities for purchase of foodstuffs, articles of daily use like soap, toothpaste, oil, comb, tea, coffee, milk, stationery etc.
- He can participate in recreational and cultural activities, yoga classes and sports organized from time to time.
- He can keep postcard size family photos.



### Education

A prisoner :

- Has the right to education.
- Shall be provided facilities for literacy classes and vocational training.
- Has the right to pursue higher studies.
- Is entitled to the same standards and contents of education as prevalent in the state of his imprisonment.
- Has the right to access the prison library.
- Desirous of higher studies or otherwise may possess my number of books with the Superintendent's permission.



### Religion

- A prisoner has the right to observe the tenets of his religion, attend religious functions and have access to representatives of their religion.
- He can keep with him religious books and pictures.
- He is to be provided with place of worship.

### Appeal, Petition and Legal Aid

A prisoner :

- Desiring to appeal is granted every facility for appealing to the proper appellate court.
- Is entitled to free legal assistance of his choice.

- Is entitled to appeal and petition according to the provisions of law and for legal defence.
- Can delegate power of attorney to settle property, land, civil suits, business etc. and execute his will.
- Can make representations and complaints on matters such as appeals, assaults or ill treatment, when the Superintendent visits prisoners during the day.

### Contact with outside World

A prisoner has the right to communicate with the outside world through media, letters and interviews. He can communicate and interview in privacy with legal advisers, diplomats (in case of foreigners), his family members and friends.

### Letters

A prisoner :

- Can write letters at government cost.
- Can write to his near relatives and friends only.
- Can write the number of letters per month as notified.
- Can receive unlimited number of letters.
- Can be allowed additional letters for legal purposes at the Superintendent's discretion.
- Can be extended facilities for sending telegrams or registered letters in suitable cases at his own cost.
- Cannot correspond with inmates of other prisons, except with those who are his close relatives with the permission of the Superintendent.
- Can be disallowed letters for reasons of security, discipline or during emergency.
- Can be permitted by the Superintendent to substitute a letter for an interview or visa-versa.
- Will only correspond on personal or private matters.
- Is forbidden to include any matter likely to become subject of political propaganda or any strictures on the administration of the prison.
- Letters both incoming and outgoing are censored according to prison rules and recorded in the history ticket of the prisoner. Those with objectionable cryptic or suspicious contents shall be withheld under intimation to the prisoner. But he shall receive the censored letters without delay.



### Interviews

Interviews are granted only to near relatives, friends and legal adviser of a prisoner with the permission of the prison officials and consent of the prisoner.

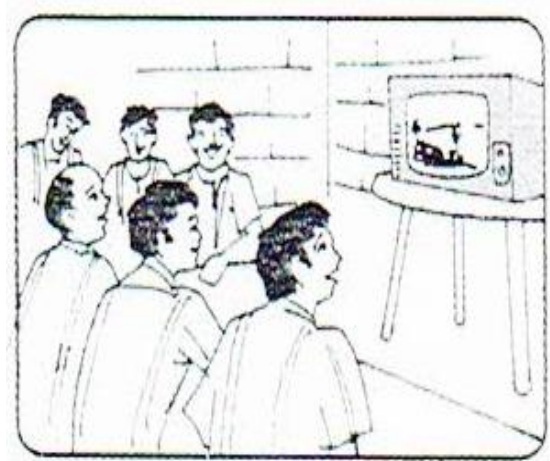
- Every under trial or convicted prisoner, during the period of appeal, is entitled to see his relatives or friends or the legal adviser and communicate with them as and when required, at the discretion of the Superintendent, to enable him to prepare or file an appeal, arrange for bail or surety, payment of fine or to manage his property and other family affairs.
- The visitor and the prisoner shall be subjected to search and strict vigil during interview.
- Interviews between prisoners are only allowed if they are members of their family, that is, spouse, children, father, mother, brother and sister.

- Interviews are ordinarily granted on working days and during the hours notified in front of the prison gate, the visitors' waiting room and the inquiry office.
- Interviews are granted on Sundays and prison holidays in exceptional cases only and with the permission of the Superintendent.
- The duration of an interview shall normally not exceed the prescribed time limit.
- During an interview with father, mother, children, wife, sister, brother or a joint interview with his friends and relatives, up to five persons are permitted.
- A prisoner is entitled to only stipulated number of interviews every month.
- A prisoner on hunger strike shall not be granted interviews and other facilities.
- No political matters shall be discussed during an interview.
- An interview may be terminated at any moment if the Jailor present considers there is sufficient cause to do so.

## Media

A prisoner

- Can access news through books, newspapers, television, radio etc.
- May be allowed by the Superintendent to have at his own cost any newspaper or periodical approved by the administration.
- Is provided newspapers and periodicals approved in the prison library.



- All privileges such as interviews, letter and facilities for reading are contingent on the good behaviour of the prisoner and the Superintendent may withdraw or postpone privileges of an individual for misbehaviour and unsatisfactory conduct or use them as reward for good behaviour.

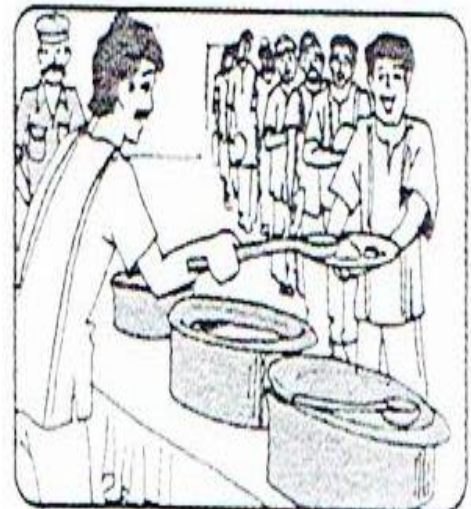
## Security

- Prisoners are classified according to the risk they pose to others and kept accordingly.
- They can be subjected to restraint as a precaution (i) against escape during transfer; (ii) while attempting damage to property or physical attack on others or self; (iii) on medical grounds.
- Prisoners shall be provided protection from other prisoners.

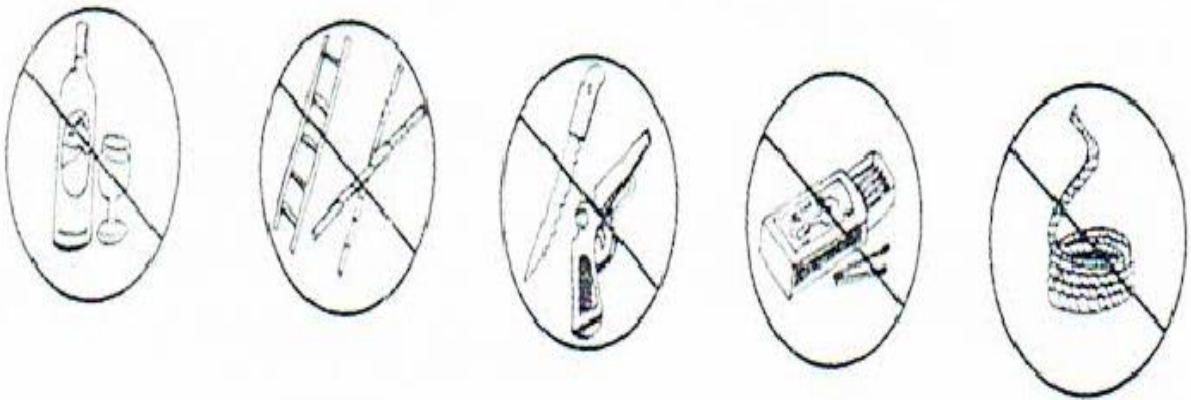
## Duties and Obligations

A prisoner shall

- Maintain discipline and obey all prison rules and regulations.
- Maintain strict silence at all times except when any enquiry or instructions relating to work are necessary.



- Not keep bidis or cigarettes in his possession.
- Smoke only at such places and during such periods as specified by the Superintendent.
- Not leave his work or his line to make any representation.
- Not destroy the equipment of the cell or damage buildings or prison property.
- Report any plot or conspiracy, and any attempt to escape or preparation for escape, or for an attack upon any prisoner or prison officer.
- Perform his allotted tasks willingly and carefully and take proper care of any Government property entrusted to them for the purpose.
- Not receive or possess any prohibited article like alcohol and other intoxicants, cash, ornaments, arms and ammunition, ropes and strings etc.



- Not loiter outside the wards or in the wards after the doors have been opened, or bath or visit the latrine at awkward hours.
- Not commit any nuisance or dirty any article in the prison or any part of the prison.
- Not gamble, barter or play any game in the prison ( unless permitted by the Superintendent).
- Remain strictly within their gangs and within the part of the jail in which they are confined, unless ordered by proper authority to leave it.
- Keep in file when not at work, and strictly carry out regular parades.
- Show respect to all prison officers and not strike, assault or threaten them or any prisoner.
- Help prison officers in case of any attack on them.
- Abstain from abuse, quarrelling, loud laughing, loud talking and indecent behaviour.



- On refusal to observe the legitimate rules a prisoner can be subjected to disciplinary action and punishment. However, he shall be informed of his offence before being punished and given the opportunity to present his defence and appeal to the higher authorities.

### **Prison Offences**

The following activities are considered offences inside the jail premises. A prisoner indulging in any of these is liable to be punished;

- Not following the prison rules and regulations.
- Attack anyone or use undue force.
- Use insulting or abusive language.
- Show unwillingness to work.
- Uncivilised or immoral conduct.
- Deliberate refusal to work.
- Attempt to break open handcuffs or fetters.
- Unwillingness or refusal to work by those undergoing rigorous imprisonment.
- Deliberately destroy or damage prison property.
- Damage or destroy the history ticket.
- Possession of a prohibited article.
- Pretence to illness.
- Plot or abet any prison offence.
- Failure to report any fire outbreak or plot or conspiracy about attempted escape or preparations for escape, or an attack upon any prisoner or prison officer.
- any other action or activity that can be considered as offence under prison rules.

### **Prison Panchayat**

All prison inmates have to participate in prison panchyats, wherever they are constituted. The purpose of the panchayat is to help the administration.

- Maintain proper sanitation, hygiene and cleanliness.
- Establish an efficient cooking service and proper distribution of food.
- Extend facilities and amenities to inmates such as medical help.
- Organise recreational activities.
- Maintain good behaviour among the inmates in barracks and workshops.
- Help the prison administration in all matters, which are conducive for establishing a proper atmosphere in the prisons.

### **Leave**

- Every prisoner is entitled to temporary release or leave according to rules.
- ordinarily, leave is not granted to a prisoner within a period of six months from the date of his return from special leave or earlier leave.
- A prisoner desirous of leave will furnish personal bond of the amount fixed under the rules. In case of abuse of trust the prisoner is liable to stipulated penalty or punishment.

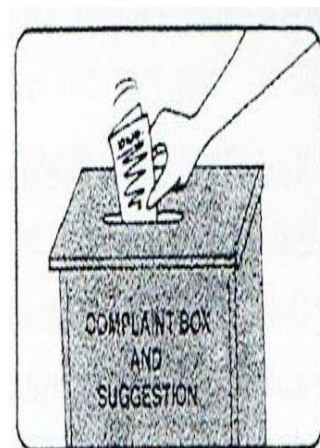


- Leave is not granted unless a prisoner has a relative willing to receive him while on temporary release and ready to furnish the required surety bond.
  - The cost of journey both ways is borne by the prisoner released on leave. If he is not in a position to do so, and the sanctioning authority so directs, a portion or whole of expense might be borne by the administration
  - As soon as a prisoner released on leave surrenders himself to the prison authorities, his order of release becomes inoperative. Thus if a prisoner who is released on leave has applied for extension of the period of leave, and before his application is sanctioned he surrenders to the prison authorities, he shall not be released after such surrender without obtaining a fresh order from the sanctioning authority.
  - The leave period is counted as a remission of sentence, subject to certain rules.
- A prisoner has no legal right to claim release on leave.

### Special Leave

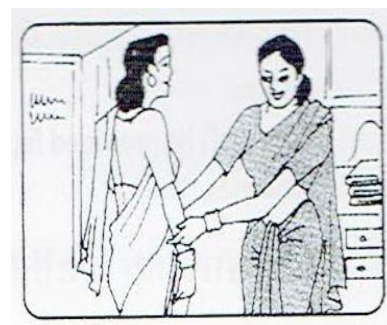
A prisoner

- Is sanctioned special leave (parole) for such period as the competent authority may order in case of serious illness, or death of any member of his family or of his nearest relative or for any other sufficient cause.
  - Can be allowed special leave by the IG of prisons to appear in an examination.
  - Convicted of serious offences, when allowed special leave, is to report regularly at the police station nearest to the place where he intends to spend his time.
  - Is granted special leave subject to his executing a surety and personal bond and to observe all conditions, which apply.
  - Who abuses the concession or commit breach of any of the conditions of special leave shall be punished.
  - Is granted special leave either on his own application, or made by his relative or friends, or the legal adviser.
- The special leave order becomes ineffective on a prisoner's surrender.
- The period spent on special leave shall not count as remission of the sentence.



### Remission

- Remission is an incentive to a prisoner for his good behaviour and work.
  - Ordinary remission is granted subject to rules and as per the scale fixed for good conduct and standard performance of allotted work.
  - A prisoner who has not committed any prison offence during the period of one full year is eligible for annual good conduct ordinary remission in addition to any other remission granted to him.
  - Special remission may be granted to a prisoner for such service as protecting from attack or saving the life of prison officials, prison visitors or inmates, preventing an attempt to escape, assisting prison officials in fire outbreak, riot, strike etc.
  - The Administration remission can be awarded from time to time on special occasions.
  - The total of ordinary and special remission, excluding the Administration remission, granted to a prisoner, shall not exceed one third of the sentence.
- Remission is not a right but a concession that can be granted or withdrawn.



### Redressal System

- There is a proper redressal system in place in the prison, wherein a prisoner can convey to the authorities his grievances and problems.
- He can request or complain on any working day to the prison authorities, normally through the complaint and suggestion boxes in the prison.
- He can complain if discriminated on the basis of race, colour, gender, language, religion, origin etc.
- He can put an anonymous note in these boxes regarding any personal or institutional complaints or give any suggestions on improvement in jail. They shall all be considered unless they are evidently frivolous or groundless.
- His complaints shall be redressed within the stipulated time and a note taken of his suggestions.
- He is allowed a request or a complaint, without censorship, in the proper form to the central prison administration, judicial authorities and other appropriate authorities through proper channel.
- He can personally approach the inspecting authorities during prison inspection and make requests or complaints in the absence of the prison officials.
- A joint petition or complaint by a group of prisoners is not entertained by the prison administration.

### Women Prisoners

- The women prisoners shall be kept in a separate enclosure within the prison.
- Habitual women offenders shall be segregated from other women prisoners.
- They shall be looked after and searched by the women staff only.
- Every woman prisoner shall be examined by the medical officer in the presence of a woman Jailor/Matron. Such examinations shall also be conducted on readmission after bail, parole or leave.
- Their special needs like pregnancy, childbirth and family care shall be adequately met and attended by lady doctors.
- The deliveries of expectant mothers shall be conducted in maternity homes outside the prison. If per chance a birth takes place in the prison, this fact shall not be mentioned in the birth certificate of the child.
- A woman prisoner admitted to a prison with a child depending on her for nursing or other wise can retain the child with her till the child is six years of age. She can also retain a child whom no friend or relative can be found to take charge; or a child is born while in prison.
- Women prisoner shall be provided a nursery for their children whenever they are not able to look after them.
- They shall be supplied with *shikakai* or soap to wash hair.
- They can retain their bangles, wear vermilion mark to their foreheads and wear earrings, nose ring and a *mangalsutra* or its equivalent.
- They shall be provided suitable clothes for sanitary and hygienic purposes. Any woman prisoner who so desires is permitted to buy sanitary napkins at her own cost.
- They will be provided literacy and other vocational training classes.
- They will be provided facilities for recreational and cultural activities.



### Accompanying Children

- Children below six years, who accompany their mothers in the prison, are entitled to special crèches, where trained ayahs will look after them.



- Such crèches shall be within the premises but outside the walls of the prison.
- These children shall remain in the crèche while their mothers are at work.
- Infants who take their mother's feed shall be taken to their mothers at appropriate times. If it is deemed proper the mother can be allowed in the crèche at the time of the infant's feed.
- The accompanying children should be provided with educational facilities.
- If need be, provision shall be made to send them to a school outside the prison.
- School books, bags and uniform shall be provided to the school going children.
- Special arrangements are made for a play school within the crèche for small children.
- These children will have periodic and regular medical check up.
- They shall be given special diet as recommended by the Medical Officer.
- These children have the right to proper security, safety and protection.

#### **Under trial Prisoners**

- The under trial prisoners are entitled to separate accommodation.
- They have the right to bail, to prompt court hearing, access to lawyer and friends in preparation of defence and special rights relating to food, clothing, work and visits.'
- They are entitled to their own clothing and food. If they cannot afford, they shall be provided the same. The clothing in such cases is different from the convicted inmates.
- They cannot be allotted any work unless they so desire.
- They can consult their own doctors.
- No restraint can be imposed on them beyond what is absolutely necessary to prevent escape or unauthorized communication with persons within or outside the prison.

#### **High Security Prisoners**

- The prisoners who pose a high risk to the society or the country at large shall be kept in special high security enclosures away from other prison wards.
- They shall not be allowed out of their cells except at the time of distribution of food.
- Only one prisoner at a time will be taken out to distribute food and he shall be locked in immediately after the food has been given.
- The facilities and privileges extended to prisoners undergoing simple imprisonment are denied to them.



**Appendix – 2****PROFORMA FOR HEALTH SCREENING OF PRISONERS ON ADMISSION TO JAIL***(See Chapter V)*

Case No.....

Name.....Age.....Sex.....Thumb impression.....

Father's/Husband's Name.....Occupation.....

Date and Time of admission in the prison.....

Identification marks.....

**Previous History of illness**

Are you suffering from any disease ? Yes/No

If so, the name of the disease :

Are you now taking medicines from the same?

Are you suffering from cough that has lasted for 3 weeks or more Yes/No

History of drug abuse, if any:

Any information the prisoner may volunteer:

**Physical examination:**

Height.....Cms. Weight.....kg Last menstruation period.....

- |  |                                    |
|--|------------------------------------|
| 1. Paller : YES/NO   | 2. Lymph Node enlargement : YES/NO |
| 3. Clubbing : YES/NO   | 4. Cyanosis : YES/NO               |
| 5. Lcterus : YES/NO  | 6. Injury, if any.....             |
| 7. Blood test for Hepatitis/STD including HIV (with the informed consent of the prisoner whenever required by law) |                                    |
| 8. Any other.....  |                                    |

Systemic Examination

1. Nervous System
2. Cardio Vascular System
3. Respiratory System
4. Eye, ENT
5. Gastro Intestinal system abdomen
6. Teeth and Gum
7. Urinal System

The medical examination and investigations were conducted with the consent of the prisoner after explaining to him/her that it was necessary for diagnosis and treatment of the disease from which he/she may be suffering.

Date of commencement of medical investigation

Date of completion of medical investigation

MEDICAL OFFICER

### Appendix – 3

### REGISTER FOR OUT PATIENTS

(See Chapter VII)

Nominal Register of hospital out patients in the \_\_\_\_\_ Prison at \_\_\_\_\_

Consecutive Number	Register under	Name	Sex	Work on which employed	Month											Date of discharge	Cured	Admitted as in-patient	Relieved	Otherwise	Initials of Medical Officer in token of weekly examination
					Date																
					Total invalid Gang																
					Total of Out patients																
					Total attended																
					Disease	Date of admission and attendance as out-patients															

Appendix- 4  
REGISTER OF IN-PATIENTS

(See Chapter VII)  
Register of in patients in the Prison Hospital

	1.	Serial number
	2.	Register Number
	3.	Name
	4.	Class
	5.	Sex
	6.	Age
	7.	Block, ward or cell
	8.	Sentence of order
	9.	Date of sentence, order or committal
	10.	Length or imprisonment undergone
	11.	Work on which employed
	12.	Disease (to be entered and initiated by Medical Officer)
	13.	Date on which brought under observation
	14.	Date on which admitted to hospital
	15.	Result whether discharged cured, placed in invalid gang or dead.
	16.	Date on which discharged from hospital
	17.	The date, in case of death
	18.	Reference to page of Hospital, Case Book
	19.	Initials of Medical Officer in token of correctness of entries.



**Appendix-6**  
**CASE SHEET**  
*(See Chapter VII)*

Class of Prisoner with register number and name

Address.

Age.

Date when first brought under treatment.

Date of Admission to hospital.

Date of discharge from hospital

Disease

Month and Date	Particulars of the case and treatment adopted	Diet and extras ordered

**Appendix-7**  
**CASE BOOK**  
(See Chapter VII)

**Register number and name of patient --**

Present Disease	<p>Class of prisoner with nature and length of sentence ( if convicted)</p> <p>State of health on admission to prison.</p> <p>Weight on admission to prison.</p> <p>Weight on admission to hospital.</p> <p>If sentenced to R.I., whether admitted from invalid gang or otherwise.</p> <p>If previously an out-patient, give dates.</p> <p>If previously an in-patient, refer to last page of Case-Book.</p> <p>INSTRUCTION.- In the event of death, the closing entries should contain a record of the particulars required by section 15 of the Prison Act, 1977 (1920 A.D) under the Medical Officer's signature.</p>
Month and Date	<p>Particulars of patient's previous health, state on present admission, treatment and diet, with daily initials of Medical Officer.</p>

**Appendix-8****SHEET FOR A PRISONER SENTENCED TO DEATH**

(See Chapter XII)

Date of execution by Sessions Judge

1. Register No.
2. Name
3. Neck measurement
4. Weight
5. Result of medical examination, special points, etc.
6. Date of sentence by the Court of Sessions.
7. Date of appeal to the High Court of Judicature.
8. Date of decision of the High Court
9. Date of petition for special leave for appeal to the Supreme Court.
10. Date of appeal to the Supreme Court.
11. Date of decision of the Supreme Court.
12. Date of submission of mercy petition.
13. Date of result of mercy petition.
14. Final date of execution.
15. Length of drop required.



**Appendix-9**  
**CASE HISTORY OF CONVICT**  
 (See Chapter XII)

1. Name
2. Number
3. Age
4. Sentence
5. Section
6. Habitual or casual.
7. Legal history and statement of the prisoner regarding present and previous crimes, If any
8. Social History
  - (a) Childhood.
  - (b) Family History
  - (c) Health History
  - (d) Neighbourhood
  - (e) Educational Background
  - (f) Adolescence
  - (g) Economic background
  - (h) Employment history
  - (i) Associations, companionship, etc.
  - (j) Habits, aptitude, etc.
9. Personality (general impression only)
10. Clues regarding sequence of criminal behaviour

Date on which case history was

prepared.....

Prison.....

.....

**Appendix-10**

**REPORT OF EXECUTION**

(See Chapter XII)

I hereby certify the sentence of death passed on \_\_\_\_\_ by the Court of Sessions and confirmed by the High Court has been duly executed and the said \_\_\_\_\_ was hanged by the neck until he was dead at \_\_\_\_\_ on the \_\_\_\_\_.

(Sd.)

Medical Officer

(Sd.)

Superintendent

(Sd.)

Executive Magistrate

Date of Release.....

[illegible]

**Appendix\_12****NOMINAL ROLL**

1. Details of custody of the case as ON \_\_\_\_\_ Which is being required by Hon'ble Court.

I.	Name of the Convict/Accused	
II.	Parentage or Spouse name	
III.	Age	
IV.	Address	
V.	FIR No	
VI.	Date	
VII.	Under Section	
VIII.	Police Station	
IX.	Convicted by the Ld.Court of ( with date of judgment &tenure/term of sentence) if any	

2. Derails of custody period in the case.

S.No	Particulars	Period W.e.f	Years	Months	Days
1.	Custody as under trial				
2.	Custody after Convocation				
3.	Bail period, if any				
4.	Parole Aailed(-)				
5.	Details of Overstay/absent from parole /furlough(-)				
6.	Actual undergone period after conviction (s.no2.(4&50)				
7.	Actual undergone period including custody as Under trial (s.no.1+6)				
8.	Earned Remission +GR(+)				
9.	Total Sentence including remission (s.no7+8)				

3. Details of other pending Undertrial cases ( if any)

I.	FIR No	
II.	Date	
III.	Under Section	
IV.	Police Station	
V.	Details of Trial Court	
VI.	Whether he/she is in jail in this case	
VII.	Whether on bail or not	
VIII.	Actual Custody in this case as un undertrial	

4. Detail of the Conviction in other case ( if any)

I.	FIR NO	
----	--------	--

II.	Date	
III.	Under Section	
IV.	Police station	
V.	Convicted by the Ld. Court of ( with date of judgement & tenure /term of sentence ),if any	
VI.	Detail of Custody period in this cases	

S.No	Particulars	Period	Years	Months	Days
1.	Particulars				
2.	Custody as under trial				
3.	Custody after Convocation				
4.	Bail period, if any				
5.	Parole Availed(-)				
6.	Details of Overstay/absent from parole /furlough(-)				
7.	Actual undergone period after conviction (s.no2.(4&50)				
8.	Actual undergone period including custody as Under trial (s.no.1+6)				
9.	Earned Remission +GR(+)				
10.	Total Sentence including remission (s.no7+8)				

5. Details of acquittal in other case ( if any)

I.	FIR .NO	
II.	Date	
III.	Under Section	
IV.	Police Station	
V.	Name of the Ld. Court ( with date of acquittal)	
VI.	Remained confined as Undertrial ( if any)	

6. Detail of case/s pending investigation (if any)

7. Detail of furlough availed by the convict / accused ,if any

S.NO	Particulars	period

8. Detail of punishment awarded by jail authority, if any

**Prepared By**

**Checked By**

**Appendix-13****FORM –I**

Report from the field

Ref.No:- \_\_\_\_\_

Name of Convict \_\_\_\_\_ Prison \_\_\_\_\_

1.	If the prisoner under reference is released on leave-	
	(a) What will be the reaction in the locality ?	
	(b) Whether the life of the prisoner himself will be safe?	
2.	A brief past history and conduct of the convict before his arrest in the case	
3.	Whether his release on leave will be welcomed by the people in the locality ?	
4.	Whether he has got any property of his own and permanent abode; if so the particulars and their probable worth and address ( This information may be gathered in consultation with Revenue Authority not below the rank of Naib Tehildar?	
5.	Whether there are any persons (relative or friends) who can stand surety for the prisoner, if so, their full address and status.	
6.	In case he was released on leave previously how did he conduct himself during the period?	
7.	Whether reasons given for his request for leave now are genuine?	
8.	Whether the release on leave is recommended?	
9.	Any other remarks.	

Place:

Date:-

Signature  
(DM/Executive Magistrate/SDPO/SHO)  
Official Seal

**FORM-II**  
**SURETY BOND**

I. Form of Bond to be obtained from a Prisoner to be released on Leave.

Whereas I ( Name).....son of  
.....inhabitant of ( Place)..... have been  
ordered to be released by the Union territory of Ladakh on leave on condition of my entering into a bond to  
observe the conditions specified hereafter, I hereby bind myself as follows:-

- (I) That I will accept and fulfil the conditions specified below till the date of expiry of my leave period sanctioned in Order No.....dated..... for the subsequent extended period, if any.

- (1)  
(2)  
(3)

(II) In case of breach of any of the above conditions on my part, I hereby bind myself and my properties mentioned below to forfeit to the Union territory of Ladakh the sum of Rs.....(Rupees.....only) and I also further agree the Union territory of Ladakh may collect the said amount from me either by proceedings against my under mentioned properties or any other properties as if the said amount were an arrear of land revenue or by otherwise proceeding against me legally and to render myself liable to be rearrested to undergo the unexpired portion of sentence of imprisonment on the date.

Particulars of Properties  
(Here enter the particulars of the properties)

Signed by ..... this..... day of .....20.....

Witnesses:

- (1)  
(2)

Signature

2. Form of Bond to be obtained from Sureties for Prisoner to be released on Leave

Whereas we (Name).....(First surety)..... son of.....inhabitant of (Place).....and ( Name)..... (Second surety) son of .....inhabitant of (Place).....jointly and severally declare ourselves and each of us sureties for convict No.....(Name).....son of .....who is undergoing imprisonment for .....in the ( Name of Prison).....and who is to be sent on leave as per order No.....dated.....or for the subsequent extended period, if any, we hereby bind ourselves as follows:

- (i) That we shall see that the above prisoner fulfil all the conditions specified in the bond executed by him.
- (ii) In case of breach of any of the conditions on the part of the above said prisoner, we hereby bind ourselves and our properties mentioned below to forfeit to the Union territory of Ladakh the sum of Rs..... ( Rupees.....only) and we also agree that the Administration may collect the said amount from either by proceedings against the under mentioned properties or our other properties, as if the said amount were an arrear of land revenue, or by otherwise proceedings against us legally.

Particulars of Properties  
( Here enter the particulars of properties)

Dated this.....day of.....20.....

Signature of sureties

Witnesses:

1. \_\_\_\_\_  
2. \_\_\_\_\_

Executed before me  
Signature of Tehsildar

Official Seal

Designation

## FORM-II

## Leave Register

(Columns 7 to 15 to be initialled by the Superintendent of Prison)

1. Serial No.
  2. Name of the Prisoner
  3. Case No. and Convicting Court
  4. Date and period of sentence
  5. Date of receipt of application from the prisoner or on his behalf.
  6. Reasons for leave
  7. Date of despatch of application to the competent authority.
  8. Type and Period of leave applied for
  9. Period sanctioned
  10. Order No. and date of sanction.
  11. Date of release on leave ( Whether police escort is provided or not should be recorded)
  12. Due date of return
  13. Date of return
  14. Period of overstay, if any
  15. Result of action taken for overstay, if any (intentional overstay without justification shall attract punishments as reflected in the relevant chapter).
  16. Details of sureties
- 

**An application for grant of parole may be submitted by the prisoner or his family members to the Superintendent of Jail.**

The Superintendent.

---

1. Name of the prisoner\_\_\_\_\_
  2. Name of the Father of the prisoner\_\_\_\_\_
  3. Address of the Prisoner with Police Station of the area\_\_\_\_\_
-



4. In case the application is being moved by the family member, the details of relationship with the convict

Name\_\_\_\_\_

Relation\_\_\_\_\_

5. Whether any other application of the convict is pending for parole or furlough\_\_\_\_\_

6. Reasons for seeking parole/Furlough\_\_\_\_\_

7. Last confirmed address of the convict\_\_\_\_\_

8. Proposed address where the convict wishes to stay during parole/Furlough\_\_\_\_\_

\_\_\_\_\_

**(Signature or Thumb Impression of the Application)**

Declaration by the prisoner :

I hereby declare that I request to be released on parole and on being so released shall fulfil the condition(s) of my release whatsoever.

**(Signature or Thumb Impression of the Prisoner)**

**(For office use)**

1. No. And Name of the Prisoner :-
2. Age :-                                      Offence :-
3. Sentencing court :-
4. Period of sentence :-

Fine if any :-

Fine realized or not

5. Date of sentence :-

**6. Period actually spent in jail up to the date of application**

Days	Months	Years	Remarks

**7. Remission**

Days	Months	Years

**8. Unexpired period**

Days	Months	Years

9. Probable date of release \_\_\_\_\_

10. Physical and mental condition of the prisoner \_\_\_\_\_

11. Conduct in Jail :-

Date of last prison offence :-

12. Detail of offence committed in jail (Enclose separate page)

13. Date when parole was last granted

Date when parole was rejected :-

14. Jail Superintendent's recommendation \_\_\_\_\_

15. Any additional remark \_\_\_\_\_

(Entries checked with warrant)

Asstt. Superintendent

C/S Superintendent

Recommended to Director General of Police Prisons

Orders of releasing Authority.

**Appendix-14**

**PROFORMA FOR ADMINISTRATIVE INSPECTION****Name of the Jail:** \_\_\_\_\_**Administrative Inspection for the year :** \_\_\_\_\_

Name of the Superintendent Jails who held the charge of the Jail from the last three years up to present Administrative Inspection

S. No	Name of the Officer	Designation	Period	
			From	To

Name of the Accounts Officer/DDO who held the charge of the Jail from the last three years

S. No	Name of the Officer	Designation	Period	
			From	To

Name of the Dy. Superintendent Jails who held the charge from last three years

S. No	Name of the Officer	Designation	Period	
			From	To

Name of the Asstt. Superintendent Jails who held the charge from last three years

S. No	Name of the Officer	Designation	Period	
			From	To

Date of last Administrative Inspection :

S. No.	Name of the Inspecting Officer	Date of inspection	Follow up report submitted or not

**A) Establishment:-**

1) Name of dealing Assistant and Period spent on current Job:-

2) List of records Maintained in Establishment Section:

S. No.	Title of the Record/File	Remarks (page marking, attesting authority, frequency of checking records/files etc.)

## 3) Total Sanctioned/Posted Strength alongwith vacancies (post wise) as on date

S. No.	Category of post	Name of the post	Sanctioned Strength	Posted Strength	Vacant	Excess	Attached		Total available strength	Remarks
							In	Out		
	Permanent									
	Quasi Permanent									
	Temporary/ attached from other Departments									
	Consolidate/ daily wager									

## 4) Total number of security personnel posted in the Jail other than Jail Staff as on \_\_\_\_\_

S. No.	Rank	Battalion	Company	Posted Strength	Remarks

## 5) Name of the employees transferred during the last one year, their assignment and name of the substitutes provided (\_\_\_\_\_ to \_\_\_\_\_)

S. No.	Name of the Official	Transferred to	Duty assigned	Date of relieving	Name of the Substitute	Transferred from	Duty assigned	Date of Joining

\*List of transferees not relieved to be mentioned

## 6) Details of Accommodation available:

S. No.	Number of quarters available	Occupied	Vacant	Needing repairs
	Officers			
	Staff			

7) List of employees in whose favour quarter/Govt. accommodation has been provided :

S. No.	Name of the employee	Quarter No.	Type of quarter (1 room/ 2 room etc.)	Allotted vide order No. & Date	Remarks

8) List of employees who applied for quarters date-wise and have not got the accommodation:

S. No.	Name of the employee with designation	Date of application for allotment of accommodation	Remarks

9) List of employees staying in rented accommodation or outside prison in his/her own accommodation:

S. No.	Name of the employee with designation	P. Number	Remarks

10) List of employees who availed leave during the past one year other than casual leave.

S. No.	Name of the employee with designation (name should not be repeated)	Nature of Leave	Period of leave	Order No. & Date	Page No. of service book wherein entry has been recorded	Remarks

11) List of employees in whose favour leave account has not been maintained

S. No.	Name of the employee	Designation	Remarks

12) Whether service verification of all officials has been done : \_\_\_\_\_

13) Whether annual work and conduct has been recorded in all service books \_\_\_\_\_

14) Whether the service books are page marked or not : \_\_\_\_\_

15) List of employees in whose favour service books/character roll has not been maintained :

16) List of punishments awarded for the last one year :

S. No.	Name of the employee with P. Number (Name should not be repeated)	Desg.	Punishment awarded	Imposing authority	Whether the concerned has been informed or not	Page No. of service book where the entry has been made	Remarks

17) List of employees having punishment more than two times :

18) Month-wise list of employees declared "Employee of the Month " for the last one year :

S. No.	Name of the employee	Designation	Month	Remarks

19) List of officials, if any in whose favour pay fixation has not been done so far and reasons thereof :

S. No.	Name of the employee	Designation	Reasons thereof	Remarks

20) List of officials if any in whose favour \_\_\_\_pay commission arrears has not been credited into their GP Fund and reasons thereof :

S. No.	Name of the employee	Designation	Reasons thereof	Remarks

21) Details of employees retired during last three years :

S. No.	Name of the employee	Designation	Pension paper finalized or not	Final GP Fund settled or not	Remarks

22) List of officials retiring in next two years :

S. No.	Name of the employee	Designation	Date of retirement	Whether pension case has been initiated

23) Whether yearly notification w.r.t. superannuation has been issued and communicated to all concerned :  
\_\_\_\_\_

24) Morale & Discipline in the Jail :

- Whether complaint boxes are installed in the Jail: \_\_\_\_\_
- Whether visitor book is maintained in the Jail : \_\_\_\_\_
- Whether Monday parade and Roll Call are being conducted in the Jail : \_\_\_\_
- No. of complaints received in the last one year, action taken and details of pending complaints :  
\_\_\_\_\_

25) Up-to-date position of Welfare Fund Account with bank and cash in hand ( *For Central Jail Srinagar and District Jail Jammu* ) :

Name of the official maintaining the records	Opening balance as on 1.4.20____	Receipts from 1.4.20__ to 30.06.20____	Total advance/Loan granted from 1.4.20__ to 30.06.20____	Closing balance transferred to Direction Office as on _____

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26) Total Monthly subscription towards Welfare Fund : \_\_\_\_\_

27) List of employees in whose favour welfare loan is outstanding

S. No.	Name of the official with Designation	Personal Number	Amount Sanctioned	Amount recovered	Amount outstanding

28) Name of receipt/dispatch clerk : \_\_\_\_\_

29) Whether stamp register is maintained or not : \_\_\_\_\_

30) Whether Dak is diarized and distributed on the same day : \_\_\_\_\_

31) Whether Assembly related Dak and letters from Headquarter, Secretariat are being processed on priority or not : \_\_\_\_\_

32) Whether record pertained to receipt/dispatch section is maintained properly : \_\_\_\_\_

33) Whether old AC Rolls are bound and stored properly : \_\_\_\_\_

**Dealing Asstt.**

**I/c Section**

**Dy./Astt. Supdt.**

**Supdt. Jail**

**B) Accounts Section:-**

a) Details of the Accounts Staff/ other staff posted in the Section:

S. No.	Name of the Officer/Official	Designation	Remarks

b) List of records Maintained in Accounts Section :

c) Please give the information for last three years in three tables :

Finance Code	Unit of appropriation	Funds released by DG office		Total	Expenditure		Total	Surrender		Total	Liability
		2056 (Normal)	2055 (SRE)		2056 (Normal)	2055 (SRE)		2056 (Normal)	2055 (SRE)		
<b>001</b>	<b>Salary</b>										

d) Date of last physical verification of cash : \_\_\_\_\_

e) Date of last attestation of cash book: \_\_\_\_\_

f) Details of monthly cash balance of cash book from 01.04.20\_\_\_\_ to 30.06.20\_\_\_\_ :

- g) Date of last Audit Conducted \_\_\_\_\_ (copies of Audit report be made available. In case the Audit report has been replied, copy of reply be made available.
- h) List of purchase approved by the Departmental Purchase Committee during previous and current year in respect of your Jail \_\_\_\_\_
- i) List of sanctions awaited from Prison Directorate :

**Transport:-**

- j) Details of vehicles :

S. No.	Type of vehicle	Model	Regd. No.	Date of purchase	Distance covered in Kms	Whether Log book maintained or not	Name of the official plying the vehicle	Whether off road or on road

- k) Total expenditure incurred on account of special medical diet to the inmates in the previous and current year :
- l) Details of major purchases (above INR 10,000/-) made during previous and current year alongwith sanction order No. and date.

**Dealing Asstt.  
Jail.**

**AA/AAO.**

**Accounts Officer**

**Supdt.**

**C) DetenueSection:-**

- a) Name & Designation of the dealing Assistant : \_\_\_\_\_
- b) List of records Maintained in DetenueSection :

S. No.	Title of the Record/File	Remarks

- c) Position of Jail inmates month-wise w.e.f. 01.01.20\_\_\_\_ to 30.06.20\_\_\_\_:

Month	Category			
	Detenues	Undertrials	Convicts	

- d) Monthly admission of Jail inmates w.e.f 01.01.20\_\_\_\_ to 30.06.20\_\_\_\_:

Month	Category			
	Detenues	Undertrials	Convicts	

- e) Monthly Release of Jail inmates w.e.f 01.01.20\_\_\_\_ to 30.06.20\_\_\_\_:

Month	Category			
	Detenues	Undertrials	Convicts	



f) Number of Barracks available with capacity and lodgment of male inmates

Total Number of Barracks	Capacity	Lodgement

g) Number of Barracks available with capacity and lodgment of female inmates

Total Number of Barracks	Capacity	Lodgement

h) Details of inmates released on parole/furlong during the previous & current year:

S.No.	Name of the inmate with full particulars	Period of parole	Whether surrender back or not	If not surrender reasons thereof

**Dealing Asstt.                      I/c Section                      Dy./Asstt. Supdt.                      Supdt. Jail**  
**D) Store :-**

a) Name of the officials who handled cash/stores during the last three years with shortage if any:

S. No.	Name of the official with designation	Period for which charge was held	Shortage if any pointed out	Remarks

b) Date on which last Physical Verification was conducted : \_\_\_\_\_  
 (copy of report be also enclosed)

c) Date of last Physical Verification of Stationary items: \_\_\_\_\_

d) Whether record of perishable items authenticated regularly or not : \_\_\_\_\_

e) Stock position as on 30.06.20\_\_\_\_ :

S.No.	Item	Quantity	Serviceable	Un-Serviceable	Fit for auction

f) Date on which weeding out of record has last taken place: \_\_\_\_\_

**Storekeeper**

**Dy./Asstt. Supdt.**

**Supdt. Jail**

**E) PP Section :-**

a) Name of the official dealing with PP : \_\_\_\_\_

b) Position of PP Money:

Total accounts (Live) available with name and Bank	Total accounts (dead) available with name and Bank	Opening balance of PP/Account as on 1.4.20____	Receipts/ payments from 1.4.20____ to 30.06.20____	Closing balance as on 30.06.20____	Last balance	Bank balance

**Dealing Asstt.**

**Dy./Asstt. Supdt.**

**Supdt. Jail**

**F) Medical Section:-**

a) Number of Doctors/ Para Medical Staff available in the Jail

Name of the Employee	Designation	Remarks

b) List of records maintained in Medical Section :

c) Total number of inmates treated by the Doctors in each month from 1.4.20\_\_\_\_ to 30.06.20\_\_\_\_

Month	Number of inmates treated	Number of inmates referred to other hospitals	Remarks

d) Total amount spent on medicines of inmates in each month from 1.4.20\_\_\_\_ to 30.06.20\_\_\_\_

Month	Amount spent	Remarks

e) Name of the agency wherefrom medicines procured : \_\_\_\_\_

f) Amount spent on Special treatment of inmates with kind of special treatment given in each month from 1.4.20\_\_\_\_ to 30.06.20\_\_\_\_

Month	Number of inmates treated	Amount spent	Kind of special treatment given

g) List of inmates suffering from life consuming diseases :

**Dealing Asstt.**

**Medical Officer**

**Supdt. Jail**

**G) Reformation/Rehabilitation Section:-**

a) List of record maintained in the Section :

b) Details of various trade/course running in the Jail:

S. No	Title of Trade/Course	Date of commencement	No. of inmates enrolled	No. of inmates trained in the last year	Name, designation and parent Department of	Amount spent on each training

					instructor	programme per month

## c) Sports/Cultural activities :

Number of sports / Cultural activities arranged in Jail	Amount spent on sports articles/ cultural activities from 1.4.20____ to 30.06.20____	Details of sports articles available in the Jail

## d) Details of goods/items manufactured by Jail inmates :

S. No.	Name of the product/item	Cost of Raw material	Quantity manufactured	Cost of finished good

## e) Sale of manufacturing items :

S. No.	Name of the product/item	Quantity sold	Revenue earned

## f) List of machinery/tools/equipment available :

## g) Details of idle machinery/tool/equipment :

## h) Additional requirement :

## i) Total Budget allocated under Reformation &amp; Rehabilitation head with expenditure and balance for previous and current year :

## j) Details of wages provided to inmates under the wage earning scheme:

Dealing Asstt.

Dy./Astt. Supdt.

Supdt. Jail

**H) Security and Surveillance :**

## a) Date of last security review : \_\_\_\_\_

## b) Details of security gadgets available in the Jail:

S. No.	Item	Quantity	Functional	Non-Functional	Addl. Requirement

**I) Construction/Repairing wing :-**

Details of works executed in the Jail from 1.4.20\_\_\_\_ to 30.06.20\_\_\_\_

S. No.	Name of the work	Executing agency	Remarks

## a) Details of buildings requiring immediate repair or declared unsafe:

## b) Details of works proposed for the current financial year :

## c) Whether plan of construction, administrative approval and cost estimates are being shared with the Jail authorities in advance.

**J) Basic Amenities available in the Jail (please highlight problems related to the following items)**

- a) Water \_\_\_\_\_
- b) Electricity \_\_\_\_\_
- c) Food \_\_\_\_\_
- d) Sanitation \_\_\_\_\_

**K) Good works done during the year : \_\_\_\_\_**

**L)** Comments with regard to Office accommodation viz. suitability, sufficiency and additional requirement.

**Junior Engineer****Dy./Astt. Supdt.****Medical Officer Supdt. Jail**

**Appendix-15****NALSA's****STANDARD OPERATING PROCEDURE (SOP) FOR UTRCs****PART-I****Definitions :**

- a) "Jail" means Central Jail, District Jail, Sub Jail, Women Jail, Special Jail and borstals.
- b) "Jail Superintendent" includes Deputy Superintendent and Officer Incharge of the jail.
- c) "UTPs" means Under Trial Prisoners who are in custody at the time of preparation of the list of UTPs by the Superintendent and includes inmates who are out on interim bail.
- d) "UTRC" means Under Trial Review Committee chaired by District and Sessions Judge consisting of District Magistrate, Superintendent of Police, Secretary, DLSA and Jail Superintendent, as members.
- e) "E-Prison Portal/PMS" means e-Prison Portal developed by NIC under directives of Ministry of Home Affairs and includes stand alone Software developed by States for their Jails.
- f) "Secretary DLSA" means Secretary of the concerned District Legal Services Authority appointed u/s 9(3) of Legal Services Authorities Act, 1987 and any other officer officiating as Secretary.
- g) "Bail Applications" Bail applications include applications moved under section 436A, 437 Cr. P. C. and 439 Cr. P. C. apart from other provisions pertaining to technical bail under the Cr. P. C., namely bail under proviso to sections 167 and 437 (6) Cr. P. C. and similar provisions in other special enactments.

**SOP FOR UTRCS WHERE JAIL RECORDS ARE NOT DIGITIZED AND EVEN IF DIGITIZED NO SOFTWARE FILTERS HAVE BEEN APPLIED.**

**STEP1:** Reporting of Data of UTPs / Convicts by Prisons.

- 1.1 The Jail superintendent of every jail in the district will collate the data regarding the UTPs lodged in the jail in the format as per **Annexure-A** with the following information and share it with Secretary, DLSA preferably in soft Excel Sheet.

#### Particulars of UTPs

- (1) Name of the UTP
- (2) Father's name
- (3) Gender/Age
- (4) FIR/Crime No.
- (5) Police Station
- (6) District
- (7) Arrested under section
- (8) Particulars of the Court
- (9) Date of Arrest
- (10) Date of First Remand
- (11) Date of admission in prison
- (12) Date of filing charge sheet
- (13) Chargesheeted under Section
- (14) UTP represented by Legal Aid/Private Lawyer
- (15) Name of the lawyer with contact details, if available
- (16) Whether bail has been granted to the accused, if so when
- (17) If accused is not released on bail despite grant of bail, reason for the same, if available
- (18) If the UTP suffering from any disease, mental or physical, details regarding the same
- (19) Whether UTP is a convict/Under trial in any other case
- (20) If yes, separate entry in the data sheet be made qua the additional Case

**1.2** Particulars of convicts - A separate 'List of Convicts' be prepared as per **Annexure-B** with the following information and share it with Secretary, DLSA preferably in soft Excel Sheet :—

- 1.2.1 Name of the Convict
- 1.2.2 Father's Name
- 1.2.3 FIR No.
- 1.2.4 Police Station
- 1.2.5 District
- 1.2.6 Name of the Trial Court
- 1.2.7 Date of Conviction
- 1.2.8 Duration & Nature of Sentence
- 1.2.9 Total Remission Earned
- 1.2.10 Date when sentence completed
- 1.2.11 Reason for Non-Release
- 1.2.12 Whether case considered by Sentence Review Board ?
- 1.2.13 Reason for not granting pre-mature release

## 1.2.14 Additional information or Remark

- 1.3 The aforesaid detail as on 31<sup>st</sup> March, 30<sup>th</sup> June, 30<sup>th</sup> September, 31<sup>st</sup> December of every year may be sent by the Jail Superintendent to the Secretary DLSA latest by 7<sup>th</sup> day of the next following month.

STEP2: Processing of Data by Secretary, DLSA

- 2.1 The office of Secretary, DLSA, with the aid of empaneled panel lawyers, Retired Judicial Officers and law students trained as PLVs, if required and available, shall draw list of UTPs/Convicts eligible for consideration by the UTRC out of Data sent to him from Step-I in the light of criteria laid down by Hon'ble Supreme Court in **WP(C) 406/2013-Re-Inhuman Conditions in 1382 Prisons**, as per detailed hereunder (Para 2.2).

If any further details are required by the Secretary, DLSA from any court or from the Jail Superintendent or from the police authorities, the same may be ascertained by the Secretary DLSA. Thereafter, the Secretary DLSA shall prepare a list of eligible UTPs for consideration of UTRC in the Excel Sheet/Soft form as per **Annexure A & B**.

- 2.2 Cases of UTPs/Convicts falling under following categories shall be considered by the Secretary, DLSA for placing them before the UTRC :—

## 2.2.1 UTPs /Convicts falling under covered under Section 436A Cr. P. C.

*[As per order of Hon'ble Supreme Court dated 24<sup>th</sup> April, 2015]*

## 2.2.2 UTPs released on bail by the court, but have not been able to furnish sureties.

*[As per order of Hon'ble Supreme Court dated 24<sup>th</sup> April, 2015]*

## 2.2.3 UTPs accused of compoundable offences.

*[As per order of Hon'ble Supreme Court dated 24<sup>th</sup> April, 2015]*

## 2.2.4 UTPs eligible under Section 436 of Cr. P. C.

*[As per order of Hon'ble Supreme Court dated 05<sup>th</sup> February, 2016]*

## 2.2.5 UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under Sections 379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment.

*[As per order of Hon'ble Supreme Court dated 05<sup>th</sup> February, 2016]*

## 2.2.6 Convicts who have undergone their sentence or are entitled to release because of remission granted to them.

*[As per order of Hon'ble Supreme Court dated 05<sup>th</sup> February, 2016]*

## 2.2.7 UTPs become eligible to be released on bail u/s 167(2)(a)(i) &amp; (ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days.

*[As per order of Hon'ble Supreme Court dated 06<sup>th</sup> May, 2016]*

2.2.8 UTPs who are imprisoned for offences which carry a maximum punishment of 2 years.

*[As per order of Hon'ble Supreme Court dated 06<sup>th</sup> May, 2016]*

2.2.9 UTPs who are detained under Chapter VIII of the Cr. P. C. i.e. under sections 107, 108, 109 and 151 of Cr. P. C.

*[As per order of Hon'ble Supreme Court dated 06<sup>th</sup> May, 2016]*

2.2.10 UTPs who are sick or infirm and require specialized medical treatment.

*[As per order of Hon'ble Supreme Court dated 06<sup>th</sup> May, 2016]*

2.2.11 UTPs women offenders

*[As per order of Hon'ble Supreme Court dated 06<sup>th</sup> May, 2016]*

2.2.12 UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4<sup>th</sup> of the maximum sentence possible.

*[As per order of Hon'ble Supreme Court dated 06<sup>th</sup> May, 2016]*

2.2.13 UTPs who are of unsound mind and must be dealt with Chapter XXV of the Code.

*[As per order of Hon'ble Supreme Court dated 06<sup>th</sup> May, 2016]*

2.2.14 UTPs eligible for release under Section 437(6) of Cr. P. C, wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case.

*[As per order of Hon'ble Supreme Court dated 06<sup>th</sup> May, 2016]*

2.3 The DLSA Secretary must inform the District & Sessions Judge that the complete list has been prepared and request him to convene the UTRC meeting at the earliest. A copy of the list may also be shared with other members of the UTRC so that they can come prepared for the meeting.

### STEP 3: Processing of identified cases by UTRC

3.1 The District and Sessions Judge shall convene the UTRC meeting as soon as the intimation is received from the DLSA, Secretary about the completion of the lists.

3.2 UTRC shall consider the cases shortlisted by the Secretary, DLSA and make recommendations for release/ appropriate action.

3.3 Upon processing the individual cases, the recommendations of UTRC may include :—

3.3.1 In case UTPs covered under Section 436A Cr. P. C.:

UTRC may recommend to concerned trial court to take up the matter and consider him/her for release on bail if there are no special reasons to deny bail, with or without sureties.

3.3.2 UTPs released on bail by the court, but have not been able to furnish sureties :



The UTRC may recommend the trial court to examine the reason why the accused is not furnishing surety/ bail bonds and if he/she is unable to do so due to poverty, then the trial court may consider reducing the bail amount on the application of the lawyer under S.440, Cr. P. C. or release on personal bond.

3.3.3 UTPs accused of compoundable offences :

The UTRC may recommend to the trial court to consider if the offence can be compounded between the complainant and the accused as per law.

3.3.4 UTPs eligible under Section 436 of Cr. P. C.:

The UTRC may recommend to the trial court to consider releasing such an accused on personal bond in case he is unable to furnish bail bond within seven days of bail order.

3.3.5 UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under sections 379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment :

The UTRC may recommend to the trial court to consider invoking of Probation of Offenders Act in fit cases as also plea bargaining in appropriate cases.

3.3.6 Convicts who have undergone their sentence or are entitled to release because of remission granted to them :

The UTRC may examine the reason for non-release of the convict and the Officer in-charge of prison may be recommended to look into the matter so that the convict is released as soon as possible.

3.3.7 UTPs become eligible to be released on bail under section 167(2)(a)(i) &(ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days :

The UTRC may recommend to the trial court to consider release of the accused in cases where chargesheet is not submitted within the statutory timeframe.

3.3.8 UTPs who are imprisoned for offences which carry a maximum punishment of 2 years :

The UTRC may recommend to the trial court to consider releasing of the UTP on bail in such cases.

3.3.9 UTPs who are detained under Chapter VIII of the Cr. P. C. i.e. under Sections 107, 108, 109 and 151 of Cr. P. C. :

The Executive Magistrate/District Magistrate court may be recommended to release/discharge such persons with or without conditions or to make an order reducing the amount of the security or the number of sureties or the time for which security has been required.

3.3.10 UTPs who are sick or infirm and require specialized medical treatment:

The UTRC may examine the medical condition of the inmate and if it is found that the inmate is very sick and specialized treatment is essential for survival, then the UTRC may recommend the trial court to consider granting bail on medical ground, as provided under S.437, Cr. P. C., even for temporary period.

3.3.11 UTPs women offenders :

Women under trial prisoners who are not accused of serious offences may be considered for release on bail under S.437, Cr. PC, especially they are first time offenders by the concerned trial courts. The UTRC may also recommend suitable measures under the directions of the Hon'ble Court in R. D. Upadhyay vs State of A. P. & Ors. (AIR 2006 SC 1946).

3.3.12 UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible :

The UTRC may request the trial court to consider granting bail to such young offenders. If the person is found guilty in the course of trial, benefit of S.3 or S.4 of the Probation of Offenders Act, 1958, may be given to the accused.

**3.3.13 UTPs who are of unsound mind and must be dealt with Chapter XXV of the Code :**

UTRC may recommend the trial court to take appropriate steps in accordance with Chapter XXV of the Code and provide adequate treatment to such inmates.

**3.3.14 UTPs eligible for release under Section 437(6) of Cr. P. C., wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case:** UTRC may request the trial court to consider granting bail to such UTPs under Section 437(6) of Cr. P. C.

3.4 The UTRC shall enter its recommendation in column no. 21-23 of Annexure-A and column No.15-17 of Annexure-B.

3.4.1 Recommendation of UTRC

3.4.2 Date of recommendation

3.4.3 Brief reasons for UTRC recommendation

3.5 The UTRC shall share recommendations with the concerned Trial Court/Jail Superintendent and Secretary, DLSA. Jail Superintendent shall bring it to the notice of UTP/Convict. Secretary, DLSA shall instruct the panel lawyers to move appropriate application in legal aided cases. The Trial Courts may deal with the recommendations in the manner deemed appropriate for each particular case with the assistance of Legal Aid/Private Lawyer.

**3.6 STEP4: Followup :**

UTRC shall keep track of the follow up action in recommended cases as detailed in

**Annexure-A (Column No.24- 26) & Annexure-B (Column No. 18-20) as under :—**

Action taken on recommendation.

Final Outcome

Date of release of UTP/Convict.

**STEP5: Collation of data on quarterly basis by the Secretary, DLSA**

Secretary, DLSA shall collate the above data in **Annexure-A & B** and generate quarterly report under the following heads :—

1. Number of UTPs/Convicts considered by UTRCs in a given quarter/year.
2. Number of UTPs/Convicts recommended for bail/release.
3. Number of bail/other applications moved post recommendations.
4. Number of inmates released pursuant to UTRC's recommendation.

## **PART-II**

### SOP for UTRC where Jails are digitized and have Software to filter the cases which are eligible for release

- 5.1 If the jail concerned has appropriate data in digital format and is able to apply the filters, then the Step 1 and Step 2 of Part-I would merge into one and the filtered data shall be shared by Jail Authorities with Secretary, DLSA.
- 5.2 The UTRC can examine the data filtered by the software and make appropriate recommendations, as mentioned in Step 3 of Part-I.
- 5.3 The UTRC shall keep track of the follow up action as per Step 4 of Part-I.

### **NALSA's ADDITIONAL SUGGESTIONS**

*In order to expedite Trials and ensure Access to Justice for UTPs/Convicts NALSA suggests following new initiatives :—*

#### Suggestion No.1 :Usage of modified ' Custody Warrant'

- NALSA has designed a new Modified Custody Warrant which is annexed as **Annexure 'C'**. The need thereof arose since as on date the Prison Data is maintained only on the basis of case details received by the Jail Authorities from the First Custody Warrant which is in turn based solely on case particulars contained in the FIR. This data is amenable to change at different stages i.e. stage of filing of Chargesheet, framing of Charge and then passing of finalJudgement.

Adoption of this new Modified 'Custody Warrant' is necessary as unless the specific offence in which UTP is kept in detention is regularly updated, the software filters will not be able to give correct results. For example, an accused initially arrested under section 302 IPC may be finally chargesheeted under section 304 IPC.

This new Modified Custody Warrant carry the particulars of the Legal Aid Counsel/Private Counsel representing the UTPs at different stages.

#### Suggestion No. 2 :Training/sensitization of Remand Court/Trial Court to safeguard the rights of the UTP to be considered for bail.

It is suggested that judicial academies of respective States may undertake training/sensitization courses of judicial officers with an aim to highlight the reason behind the UTPs :Convicts ratio in prisons which currently stands as 67% : 33% in our country. The world average of UTPs :Convicts ratio stands at only 31% : 69%. The Training of judicial officers may include highlighting importance of –

- Compliance of Section 41, 41 A to D Cr. P. C. by police authorities.
- Release of arrested persons/UTPs in deserving cases by invoking Section 59 of Cr. P. C. with or without bond.
- Highlighting importance of 14 situations/criteria laid down by Hon'ble Supreme Court in WP Civil No. 406/2013 "Re-inhuman conditions in 1382 prisons" and their timely compliance for decongestion of jails.

#### Suggestion No. 3: Inclusion of Chief Public Prosecutor in UTRC.

- State is represented by Public Prosecutor in each criminal court i.e. MMs/Sessions. As and when any Bail Application is moved by the UTP either on merits or on technical grounds, as a matter of routine, it is observed that they are opposed by Public Prosecutors/Additional Public prosecutors/Asstt. Public prosecutors representing

State in the Court. Hence, inclusion of Chief Public Prosecutor of the District in the UTRC would assist in compliance of directions of Hon'ble Supreme Court.

Suggestion No. 4: Expanding the mandate of UTRC

➤ UTRC is mandated to ensure compliance of directions issued by Hon'ble Supreme Court. However to ensure that UTPs' right to speedy trial is upheld, it is proposed that UTRC shall look into the individual cases so as to ascertain as to why a particular criminal trial is not getting concluded in a reasonable time and is getting dragged. Such a review of individual cases would go a long way in identifying the broad reasons which results in the delay of trials. This would also help reduce imbalance of 67%:33% UTPs:Convicts ratio.

➤ While identifying bottle necks in the Criminal Justice System of a particular district, other facets which can be looked into and addressed by the UTRC may include :

- 4.1 Check on non-compliance of Section 41 Cr. P. C. to curtail avoidable/ unnecessary arrests by the Police.
- 4.2 Non-production of UTPs before the Remand/Trial Court either in person or via video conferencing facility on account of lack of logistic facilities.
- 4.3 Delay caused by frequent inter-state transfer of UTPs
- 4.4 Non-filing of FSL/CFSL report in time.
- 4.5 Failure of police to trace, serve and produce the Public/Expert witnesses.
- 4.6 Delay caused in frequent transfer of investigation related witnesses like police officials, documents.
- 4.7 Non-availability of dedicated PPs in each criminal court.
- 4.8 Rational distribution of criminal cases in different courts within district.
- 4.9 Paucity of staff like Ahlmador stenographer for the criminal court.
- 4.10 Delay caused by lack of efficiency in administrative set up like Copying Agency, Facilitation Centre, Record Room (in case of fetching of old file) etc.
- 4.11 IT Infrastructural need like, Desktop, printer, NIC-net, stationary etc. apart from Data entry professionals.
- 4.12 Popularize ADR methods as also Plea Bargaining for quick disposal.
- 4.13 Suggest segregation of trial in case one or more co -accused are absconding.
- 4.14 Availability of effective and efficient Free Legal Aid Services.
- 4.15 Seeking Cooperation from the Bar for expediting trial.
- 4.16 Any other issue which is hampering the early conclusion of criminal trials in the District.

Once the respective UTRCs start taking cognizance of these problems and suggest remedial measures to the concerned Duty Holders, the delay in disposal of criminal cases can be curtailed to a great extent and learning out comes of such suggestions can help in Policy formulation for improving efficiency of Criminal Justice System's operation in not only the District but also in the State.

**Appendix-16**

No.V-11018/3/2010—PR  
 Government of India Ministry of  
 Home Affairs (CS Division)

5<sup>th</sup>Floor,NDCC-11Building  
 JaiSinghRoad,NewDelhi the  
 24<sup>th</sup>July,2015

Sub: **Guidelines for allowing visit inside jails by individuals/ NGOs/ Company/Press for the purposes of undertaking research, making documentary or interviewing the inmates, etc.**

In the recent past, cases have come up where private individuals/ documentary makers have accessed the prisoners un-authorized or have misused the permission for their own benefit. The Government of India has viewed such cases very seriously and accordingly decided to lay down guidelines for all the States to be followed scrupulously while allowing entry into the prison to any individual/ press/ NGOs or company, whether Indian or foreigner for the purposes of making documentaries, writing articles, interviewing inmates or any other similar research activity.

2. No private individual/ Press/ NGO/ Company should ordinarily be allowed entry into the prison for the purposes of doing research, making documentaries, writing articles or interviews etc. However, in the following circumstances, the State/UT Governments may consider allowing visitors/press/documentary makers if-

- (i) the State/UT Government feels that a particular documentary/article/research is for the purposes of creating positive social impact, or
- (ii) the proposed work is relating to prison reforms, or
- (iii) the State/UT Government itself decides to invite press/filmmakers to cover a particular event, or

3 For granting permission, the following measures must be taken:-

- (a) The proposed visitor(s) must submit an application to the Jail Superintendent or the Home Department of the State/UT Government at least 30 days before the date of visit. Foreigners must submit such application 60 days before. In the case of article by print media, the application may be submitted 7 days before.
- (b) On receiving the application, the Jail Superintendent, should immediately send the same to the Home/Prison Department of the State along with his comments and seek the permission of the State/UT

Government. If an application is submitted directly to the Home/Prison Department, it should seek a report from the Jail Superintendent before giving the permission. For foreigners, the State/UT Government is advised to consult the local unit of IB and/or may also consult MEA/Foreigners Division of MHA.

(c) The competent authority to grant such permission should invariably be the Home/Prison Department of the concerned State/UT. However, in case of visitors of Indian nationality, the State Government/UT Administrations may delegate this function to the Head of Prison Department (i.e., DG/ADG/IG as the case may be) specifically but not to any other lower level.

(d) While granting such permissions, various guidelines of the Supreme Court (Smt. Prabha Dutt Vs UOI and others AIR 1982 SC 6, Sheela Barse Vs the State of Maharashtra 1988 (1) BOM. CR 58, etc.) may also be kept in mind.

(e) The Jail Superintendent, after having received the permission from the State Government/UT Administration or the Head of the Department, as the case may be, may allow such visitor(s) to see the prisoner in the visitor area.

(f) The Jail Superintendent shall take an Undertaking from the visitor as per the attached format.

(g) The visitor shall also submit a Security Deposit of Rs. 1 lakh by way of a Demand Draft/local Bankers' Cheque in the name of the Jail Superintendent of the concerned jail. However, the State Government/UT Administrations may dispense with or modify this requirement in case of research studies undertaken by students.

(h) Careful frisking be done and standard due diligence must be ensured before the visitor is allowed inside the visitor area of the jail.

(i) Those who wish to make documentaries or conduct interviews, they may be allowed only Handycam/Camera/Tape recorder or equipments directly connected with the purpose of the visit, Tripod/stand mounted cameras/equipments should not be allowed. No mobile phones/papers/ book/pen etc. should be allowed.

(j) While the visitors are touring the prison or interviewing the inmates, the Jail Superintendent should himself be present there. In case he is absent, the next senior most officer must accompany the visitor. The Jail Superintendent should immediately intervene on-the-spot if he feels that a certain video clip or an interview being conducted is not desirable.

(k) No videography/photography should be allowed which may create potential security risk or social/communal disturbance.

(l) After the visit is complete, the visitors shall handover all their equipments like Handycams, Dictaphone, Camera, taperecorder or any other equipment to the Jail Superintendent for a period of three days. All precautions should be taken to ensure that the visitor does not leave the jail premises with the recordings.

(m) The Jail Superintendent then shall see/hear all the recordings carefully and if he finds anything objectionable, he shall delete that portion. The said equipment after careful scrutiny/editing may be returned after three days to the visitor.

(n) In case of Newspaper/magazine/web based articles, the visitor shall follow the norms of journalistic conduct prescribed by the Press Council of India before preparing the material for publication.


(o) The final version of the documentary/film/research paper/ articles/ books to be released /published is to be submitted to the concerned State Government/Head of the Prison Department for final "no objection certificate", for publication /release.

(p) The documentary/film/research paper/articles/books shall not be released/published without the "no objection certificate" of the State Government/UT Administration/Head of Prison Department.

(q) In case of any violation of these guidelines, or the undertaking given by the visitors, the Jail Superintendent shall forfeit the security deposit and initiate suitable legal action.

4. These guidelines shall be applicable to all the visitors, whether foreigner or Indian including individuals, companies, press, researchers, filmmakers.

S. These guidelines supersede the earlier Advisory No V-11018/3/2010-PR dated 6\* December 2012.

  
(Kumar) Joint  
Secretary (CS) Tel:  
23438100

To

All Chief Secretaries of the states/ UTs  
All Principal Secretaries (Home) of the States/UTs All DG/ IG Prisons  
of States/UTs



**UNDERTAKING**

(To be submitted to the Jail Superintendent)

I am/ we are enclosing a Demand Draft/ Bankers Cheque of Rs.1 lakh and undertake that if I/ we violate any guidelines/ instructions of the Authorities, the same may be forfeited.

I/ we also undertake that :-

- (a) I shall carry only one recording device as permitted by the Jail Superintendent.
- (b) I shall not carry any hidden recording devices with me while visiting the jail.
- (c) I will write the news article/magazine article/web based article following the journalistic conduct as prescribed by the Press Council of India.
- (d) I/we will not publish the research paper(s)/documentary (ies)/film(s)/article(s)/ book(s) without receiving the 'No Objection Certificate' from State Government/UT Administration/Head of Prison Department and shall publish the vetted and approved material only.
- (e) In case of films/ photographs/ documentaries, I/ we shall submit the final version to the Jail Superintendent and release the film/ documentary only after clearance from the Jail Superintendent is received.
- (f) At the end of the visit, I/ we shall, on the same day, handover all the equipments (Handycams/Cameras/taperecorders/ Dictaphone etc.) to the Jail Superintendent and collect them after three days.
- (g) I/ we also undertake that I/ we shall not release the documentary/ articles/ papers/ books or any content thereof to the media/ social media which is different than the vetted material as mentioned at (d) and (e) above.
- (h) I/ we undertake to immediately withdraw from circulation the documentary/ article/ paper/ book or any content thereof, if called upon to do so by the authorized officer of the State Government/UT.

[Signature of the visitor(s)]

**Annexure-17****ADMINISTRATION UT LADAKH  
OFFICE OF THE HEAD OF PRISONS DEPARTMENT,**

To

The Principal Secretary to Government,  
Home Department,  
J&K Srinagar.

No:- Esstt/2020/2496-2502

Dated:- 26.08.2020

**Sub:- Standing Operative Procedure for security of prisons in UT Ladakh**  
Sir,

Kindly find enclosed herewith copy of updated Standing Operative Procedure for security of Prisons in Jammu & Kashmir being circulated among all stakeholders.

This is for your kind information, reference and record.

Yours faithfully,

**Encl:- SOP(07 leaves)**

xyz  
Addl. Director  
of Police,

*[Signature]*  
26/8/20

**General****UT-Ladakh**

Copy to the:-

1. Director General of Police, J&K Srinagar.
2. ADGP, CRPF, Jammu.
3. ADGP, CID J&K Srinagar.
4. Inspector General of Police, Jammu Zone Jammu.
5. Inspector General of Police, Kashmir Zone Srinagar.
6. All Jail Superintendents with one spare copy of the SOP, to share the same with their respective I/C Security Component for compliance and to be handed over to new I/C Component on change/transfer.

**STANDING OPERATIVE PROCEDURE FOR SECURITY OF PRISONS IN UT-LADAKH****1. INTRODUCTION:**

Standing Operative Procedure refers to procedure being adopted for undertaking specific activities in accordance with the laws in force and at the same time ensuring quality in service. Standing Operative Procedure(SOP) for security of Jails allows to perform job in a consistently desired manner ensuring safety and security in the routine prison functioning.

After the bifurcation of Jammu and Kashmir into two Union Territories, the UT Ladakh has been created. There are two district Jails in UT Ladakh, which are located at District Leh and Kargil. CAPF as armed security cover is

available District Leh Jail except Kargil Jail. (which is under re-construction) Armed Component. CAPF has dual role of perimeter security as well as assisting the Prison Administration in matters of internal security in times of need.

*The aim and objective of SOP is the safety and security of Prison and Prisoners and to define the role and responsibility of all stake holders involved in it.*

## **2. BRIEF DESCRIPTION OF JAILS:**

Brief description of each prison shall include contact numbers, tentative capacity and distance from town/city:

<b>S. No</b>	<b>Name of the Prison</b>	<b>Tentative Capacity</b>	<b>Distance from Town/City</b>
1.	<b>District Jail Leh</b>	80	08 Kms
2.	District Jail Kargil	Under construction	30 Kms

## **3. SECURITY THREATS:**

A Prison faces following threats:

- Escape from with Jail or outside Jail.
- Any other threat from unforeseen circumstances.

## **4. STAKE HOLDERS IN THE SECURITY OF PRISON/JAIL(S):**

- Prison Administration consisting of Jail Superintendent and Subordinate Staff.
- CAPF Unit deployed
- Police
- CID/Other Intelligence
- Civil Administration
- Judiciary

## **5. ROLE & RESPONSIBILITY:-**

### **5.1 Jail Superintendent & Jail Staff**

Jail Superintendent & his subordinate staff shall perform their duties as contained in Prisons Act, Prisoners' Act and the Prison Manual, in-force. However, Jail Superintendent assisted by Dy. Superintendent & other ranks shall be specifically responsible for:

- Superintendence and management of Jail and its inmates
- Effective supervision and command over the subordinate.

- Discipline and efficient performance of duties assigned.
- Planning and Implementation of correctional programs.
- Checks on the activities of inmates and attending to their genuine grievances and needs.
- Effective supervision and administration of medical unit functioning inside Jail.
- Effective coordination of security matters with CAPF deployed and local police and periodical security review with them.
- Due maintenance and efficient functioning of security gadgetry and surveillance systems in place and maximum utilization of technology in day to day working.
- Proper record of inmates, interviews and other day-to-day affairs of the Jail as per procedure.
- Classification and proper segregation of inmates.
- Joint frisking of visitors (male/female) by the prison personnel and CAPF.
- Frisking of CAPF before entering the Deodi and the inner premises of the prison/Jail.
- Coordination and implementation of e-court and e-prisons projects to reduce movement of prisoners and for better Jail management.

## **5.2 CAPF UNIT DEPLOYED.**

This is the most important component available to the Jail Superintendent for effective management and providing effective armed security cover to the Jail and its inmates. The I/C of the component deployed shall be responsible for:

- Jointly working out checklist for periodic joint security audit of each Jail which will include Scale of manpower i.e Jail Staff / CAPF, required for security of Jails and procedure for access control.
- Jointly formulating contingency Plan to be followed as part of the SOP in consultation with the Superintendent Jail and set standards for fortification of the Jails, like height of boundary wall, concertina coil/barbed wire fencing, placing of CCTV cameras etc and follow-up implementation on ground.
- Operation and armed cover to Outer boundary.
- Operation and armed security cover at outer boundary gate(s) including gate 1 and gate 2 of the Deodi.
- Joint frisking of visitors (male/female) at Outer gate(s) and Inner gate(s).
- Deployment of representative in surveillance/control room round the clock.
- Frisking of Jail staff before entering the Deodi and the inner premises.
- Deployment of required guards at towers and bunkers as per norms.
- Patrolling tower-to-tower and bunker-to-bunker.
- Maintaining communication bunker-to-bunker and tower-to-tower between Sentries and the supervisory levels of CAPF and the Jail staff.

- Maintain alarm system to be used in case of any contingency.
- Carry out security drills like anti-escape, anti-intrusion and anti-fidayeen on regular basis alongwith Jail staff.
- Keep 24x7 QRT fully armed and equipped to deal with any contingency along with BP bunker (if available).
- Deploy Mahila staff for frisking of female visitors at outer/inner gates in consultation with Superintendent Jail.
- Assist in lockup and lockout; as also during surprise searches as per the requisition of Jail Superintendent.

### 5.3 LOCAL POLICE

Overall security and Law & Order grid is managed by the district police. A Prison being sensitive installation should form part of its special security grid. District SP shall take appropriate measures in this regard and shall be responsible for:

- Area domination around the Jail through zonal SP/SDPO/SHO by way of patrolling and nakas.
- Preparing, exercising and maintaining anti-fidayeen and anti-intrusion arrangements in place as back-up to the CAPF unit deployed.
- Arranging and keeping QRT preferably with BP vehicle available for any contingency.
- Providing back-ground note on the prisoner at the time of lodgement with proper security classification so that Jail Superintendent could take adequate follow-up measures.
- Laying down security procedures and arranging adequate and fully briefed escort personnel and suitable transport for movement of prisoners outside Jail.
- Briefing armed escorts not to make unscheduled halts and not to allow meeting of visitors with the prisoners during transportation for court hearing, medical check-up and transfer from one Jail to another.
- Arrangement for food by way of Tiffin and halt at a Police Station or a police establishment for food or any other purpose.
- Planning contingency arrangements in case of vehicular break-down or any militant act or Law and Order situation en-route.
- Periodical security coordination and review meetings directly and through zonal SP/SDPO with the CAPF/I/C component and Jail Superintendent.
- Conducting regular joint search along with Jail staff, CAPF and others at least once a month in coordination with Jail Superintendent.

**5.4 CID AND OTHER INTELLIGENCE AGENCY(S):**

To provide relevant inputs from time to time to strengthen the security arrangements in respect of any vital information. CID has a regular representative located at all the Prisons who keeps an eye over the visitors and day-to-day conduct of activities at the Prisons, thus shall be responsible for:

- Sharing any important and urgent security related input directly with the Jail Superintendent and I/C CAPF component so that immediate security measures could be taken.
- Reporting should be fair and impartial and focused primarily on security matters.

**5.5 DISTRICT ADMINISTRATION AND JUDICIARY:**

These two wings are not directly involved in day-to-day management of prisons. District Magistrate and District Session Judge are however, required to oversee the functioning of Jails at regular intervals. They may share their observations and recommend improvement wherever desired.

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Appendix-18  
THE PRISONS ACT, 1894

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ARRANGEMENT OF SECTIONS

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CHAPTER I  
PRELIMINARY

SECTIONS

1. Title, extent and commencement.
2. *[Repealed.]*.
3. Definitions.

CHAPTER II  
MAINTENANCE AND OFFICERS OF PRISONS

4. Accommodation for prisoners.
5. Inspector General.
6. Officers of prisons.
7. Temporary accommodation for prisoners.

CHAPTER III  
DUTIES OF OFFICERS

*Generally*

8. Control and duties of officers of prisons.
9. Officers not to have business dealings with prisoners.
10. Officers not to be interested in prison-contracts.

*Superintendent*

11. Superintendent.
12. Records to be kept by Superintendent.

*Medical Officer*

13. Duties of Medical Officer.
14. Medical Officer to report in certain cases.
15. Report on death of prisoner.

*Jailer*

16. Jailer.
17. Jailer to give notice of death of prisoner.
18. Responsibility of Jailer.
19. Jailer to be present at night.
20. Powers of Deputy and Assistant Jailers.

SECTIONS

*Subordinate Officer*

21. Duties of gate-keeper.
22. Subordinate officers not to be absent without leave.
23. Convict officers.

CHAPTER IV

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS

24. Prisoners to be examined on admission.
25. Effects of prisoners.
26. Removal and discharge of prisoners.

CHAPTER V

DISCIPLINE OF PRISONERS

27. Separation of prisoners.
28. Association and segregation of prisoners.
29. Solitary confinement.
30. Prisoners under sentence of death.

CHAPTER VI

FOOD, CLOTHING AND BEDDING OF CIVIL AND UNCONVICTED CRIMINAL PRISONERS

31. Maintenance of certain prisoners from private sources.
32. Restriction on transfer of food and clothing between certain prisoners.
33. Supply of clothing and bedding to civil and unconvicted criminal prisoners.

CHAPTER VII

EMPLOYMENT OF PRISONERS

34. Employment of civil prisoners.
35. Employment of criminal prisoners.
36. Employment of criminal prisoners sentenced to simple imprisonment.

CHAPTER VIII

HEALTH OF PRISONERS

37. Sick prisoners.
38. Record of directions of Medical Officers.
39. Hospital.

CHAPTER IX

VISITS TO PRISONERS

40. Visits to civil and unconvicted criminal prisoners.
41. Search of visitors.

CHAPTER X

OFFENCES IN RELATION TO PRISONERS

SECTIONS

42. Penalty for introduction or removal of prohibited articles into or from prison and communication with prisoners.
43. Power to arrest for offence under section.
44. Publication of penalties.

CHAPTER XI



## PRISON OFFENCES

- 45. Prison-offences.
- 46. Punishment of such offences.
- 47. Plurality of punishments under section 46.
- 48. Award of punishments under sections 46 and 47.
- 49. Punishments to be in accordance with foregoing sections.
- 50. Medical Officer to certify to fitness of prisoner for punishment.
- 51. Entries in punishment-books.
- 52. Procedure on committal of heinous offence.
- 53. Whipping.
- 54. Offences by prison-subordinates.

## CHAPTER XII

## MISCELLANEOUS

- 55. Extramural custody, control and employment of prisoners.
- 56. Confinement in irons.
- 57. Confinement of prisoners under sentence of transportation in irons.
- 58. Prisoners not to be ironed by Jailer except under necessity.
- 59. Power to make rules.
- 60. [*Repealed.*].
- 61. Exhibition of copies of rules.
- 62. Exercise of powers of Superintendent and Medical Officer.

THE SCHEDULE.—[*Repealed.*].

THE PRISONS ACT, 1894  
ACT NO. 9 OF 1894<sup>1</sup>

[22nd March, 1894]

An Act to amend the law relating to Prisons.

WHEREAS, it is expedient to amend the law relating to prisons in <sup>2</sup> [India except the territories which, immediately before the 1st November, 1956, were comprised in Part B States], and to provide rules for the regulation of such prison; It is hereby enacted as follows:—

CHAPTER I  
PRELIMINARY

**1. Title, extent and commencement.**—(1) This Act may be called the Prisons Act, 1894.

<sup>3</sup> [(2) It extends to the whole of India except <sup>4</sup> [the territories which, immediately before the 1st November, 1956, were comprised in Part B States].]”

(3) It shall come into force on the first day of July, 1894.

(4) Nothing in this Act shall apply to civil jails in the <sup>5</sup> [State] of Bombay <sup>6</sup> [as it existed immediately before the 1st November, 1956] outside the city of Bombay, and those jails shall continue to be administered under the provisions of sections 9 and 16 (both inclusive) of <sup>7</sup> Bombay Act 2 of 1874, as amended by subsequent enactments.

**1. Amended in its application to—**

(1) ~~the Province of Madras by—~~

- (i) the Prisons and Indian Lunacy (Madras Amendment) Act, 1938 (Mad. Act 14 of 1938) ;
- (ii) the Prisons (Madras Amendment) Act, 1940 (Mad. Act 5 of 1940) ;
- (iii) the Prisons (Madras Amendment) Act, 1947 (Mad. Act 18 of 1947) ; and
- (iv) the Prisons (Madras Amendment) No. II Act, 1947 (Mad. Act 19 of 1947).
- (2) the Punjab by s. 2 of the Prisons (Punjab Amendment) Act, 1926 (Punjab Act 9 of 1926).
- (3) Delhi by Delhi Act 6 of 1956.
- (4) Assam by Assam Act 12 of 1956.
- (5) Orissa by Orissa Act 23 of 1956 and 29 of 1958.
- (6) West Bengal by West Bengal Act 22 of 1957.
- (7) Himachal Pradesh by Himachal Pradesh Act 10 of 1974. (8) Kerala by Kerala Act 10 of 1976.
- (8) Kerala by Kerala Act 10 of 1976.

The Act has been extended to —

- (1) NEFA by Reg. 30 of 1960. subject to certain modifications, *vide* s. 3 and the Schedule, *ibid.* (w.e.f. 1-11-1960).
- (2) the whole of Madhya Pradesh by Madhya Pradesh Act 40 of 1961.
- (3) Goa, Daman and Diu by Reg. 11 of 1963, s. 3 and the Schedule.
- (4) Dadra and Nagar Haveli (w.e.f. 1-7-1965) by Reg. 6 of 1963, s. 2 and the First Schedule.
- (5) Lakshadweep (w.e.f. 1-10-1967): *vide* Reg. 8 of 1965, s. 3 and the Schedule.
- (6) the Union territory of Pondicherry by Act 26 of 1968. s. 3 and the Schedule.
- (7) Extended to the Union territory of Jammu and Kashmir and Union territory of Ladakh by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).
- Rep. in part (in West Bengal) by West Bengal Act 7 of 1948.
- Rep. in its application to Bellary District by Mysore Act 14 of 1955.

2 Subs. by the Adaptation of Laws (No. 2) Order, 1956, for “Part A States and Part C States”.

3 Subs. by the A. O. 1950, for sub-section (2).

4 Subs. by the Adaptation of Laws (No. 2) Order, 1956, for “Part B States”.

5 Subs. by the A. O. 1950, for “province” which was subs. by the A. O. 1948 for “presidency”.

6 Ins. by the Adaptation of Laws (No. 2) Order, 1956.

7 The Civil Jails Act, 1874.

[Repeal.] *Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and the Schedule.*

**2. Definitions.**—In this Act—

(1) “prison” means any jail or place used permanently or temporarily under the general or special orders of a State Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include—

- (a) any place for the confinement of prisoners who are exclusively in the custody of the police;
- (b) any place specially appointed by the State Government under section 541 of the <sup>1</sup>Code of Criminal Procedure, 1882 (10 of 1882); or
- (c) any place which has been declared by the State Government, by general or special order, to be a subsidiary jail.

(2) “criminal prisoner” means any prisoner duly committed to custody under the writ, warrant or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial;

(3) “convicted criminal prisoner” means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the <sup>1</sup>Code of Criminal Procedure, 1882 (10 of 1882), or under the <sup>2</sup>Prisoners Act, 1871 (5 of 1871);

(4) “civil prisoner” means any prisoner who is not a criminal prisoner;

(5) “remission system” means the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jail;

(6) “history-ticket” means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules there under;

(7) “Inspector General” means the Inspector General of Prisons;

(8) “Medical Subordinate” means an Assistant Surgeon, Apothecary or qualified Hospital Assistant; and

(9) “prohibited article” means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act.

## CHAPTER II

### MAINTENANCE AND OFFICERS OF PRISONS

**3. Accommodation for prisoners.**—The State Government shall provide, for the prisoners in the territories under such Government, accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

**4. Inspector General.**—An Inspector General shall be appointed for the territories subject to each State Government, and shall exercise, subject to the orders of the State Government, the general control and superintendence of all prisons situated in the territories under such Government.

**5. Officers of prisons.**—For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailer and such other officers as the State Government thinks necessary:

- 
1. See now the Code of Criminal Procedure, 1973 (Act 2 of 1974).
  2. See now the Prisoners Act, 1900 (3 of 1900).

Provided that <sup>1</sup>[the State Government of Bombay] may <sup>2\*\*\*</sup> declare by order in writing that in any prison specified in the order the office of Jailer shall be held by the person appointed to be Superintendent.

**7. Temporary accommodation for prisoners.**—Whenever it appears to the Inspector General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made, by such officer and in such manner as the State Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

### CHAPTER III DUTIES OF OFFICERS

#### *Generally*

**8. Control and duties of officers of prisons.**—All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by rules under section<sup>3</sup>[59].

**9. Officers not to have business dealings with prisoners.**—No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings, directly or indirectly, with any prisoner.

**10. Officers not to be interested in prison-contracts.**—No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison : nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

#### *Superintendent*

**11. Superintendent.**—(1) Subject to the orders of the Inspector General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.

(2) Subject to such general or special directions as may be given by the State Government, the Superintendent of a prison other than a central prison or a prison situated in a presidency-town shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the District Magistrate, and shall report to the Inspector General all such orders and the action taken thereon.

**12. Records to be kept by Superintendent .**—The Superintendent shall keep, or cause to be kept, the following records:—

- (1) a register of prisoners admitted;
- (2) a book showing when each prisoner is to be released;
- (3) a punishment-book for the entry of the punishments inflicted on prisoners for prison-offences;
- (4) a visitors book for the entry of any observation made by the visitors touching any matters connected with the administration of the prison;

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1. Subs. by the A. O. 1937, for “the Governor of Bombay in Council”.

2. The words “with the previous sanction of the G.G.in C.” omitted, *ibid*.

3. Subs. by the A.O. 1937, for “60”.

(5) a record of the money and other articles taken from prisoners;  
and all such other records as may be prescribed by rules under section 59 <sup>1\*\*\*</sup>.

#### *Medical Officer*

**13. Duties of Medical Officer.**—Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary administration of the prison, and shall perform such <sup>2</sup>duties as may be prescribed by rules made by the State Government under section<sup>3</sup>[59].

**14. Medical Officer to report in certain cases.**—Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper.

This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector General for information.

**15. Report on death of prisoner.**—On the death of any prisoner, the Medical Officer shall forthwith record in a register the following particulars, so far as they can be ascertained, namely :—

- (1) the day on which the deceased first complained of illness or was observed to be ill,
- (2) the labour, if any, on which he was engaged on that day,
- (3) the scale of his diet on that day,
- (4) the day on which he was admitted to hospital,
- (5) the day on which the Medical Officer was first informed of the illness,
- (6) the nature of the disease,
- (7) when the deceased was last seen before his death by the Medical Officer or Medical Subordinate,
- (8) when the prisoner died, and
- (9) (in cases where a post-mortem examination is made) an account of the appearances after death, together with any special remarks that appear to the Medical Officer to be required.

*Jailer*

**16. Jailer.**—(1) The Jailer shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

(2) The Jailer shall not, without the Inspector General's sanction in writing, be concerned in any other employment.

**17. Jailer to give notice of death of prisoner.**—Upon the death of a prisoner, the Jailer shall give immediate notice thereof to the Superintendent and the Medical Subordinate.

**18. Responsibility of Jailer.**—The Jailer shall be responsible for the safe custody of the records to be kept under section 12, for the commitment warrants and all other documents confided to his care, and for the money and other articles taken from prisoners.

**19. Jailer to be present at night.**—The Jailer shall not be absent from the prison for a night without permission in writing from the Superintendent but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

1. The words and figures "or section 60" omitted by the A. O. 1937.

2. For rules as to Medical Officer's duties under s. 13, see different local Rules and Orders.

3. Subs. by the A O. 1937, for "60".

**20. Powers of Deputy and Assistant Jailers.**—Where a deputy Jailer or Assistant Jailer is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all responsibilities, of a Jailer under this Act or any rule thereunder.

*Subordinate Officers*

**21. Duties of gate keeper.**—The officer acting as gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Jailer.

**22. Subordinate officers not to be absent without leave.**—Officers subordinate to the Jailer shall not be absent from the prison without leave from the Superintendent or from the Jailer.

**23. Convict officers.**—Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code (45 of 1860).

## CHAPTER IV

## ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS

**24. Prisoners to be examined on admission.**—(1) Whenever a prisoner is admitted into prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Jailer, a record of the state of the prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer.

**25. Effects of prisoners.**—All money or other articles in respect whereof no order of a competent Court has been made, and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Jailer.

**26. Removal and discharge of prisoners.**—(1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

## CHAPTER V

## DISCIPLINE OF PRISONERS

**27. Separation of prisoners.**—The requisitions of this Act with respect to the separation of prisoners are as follows:—

- (1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners;
- (2) in a prison where male prisoners under the age of 1 [twenty-one] are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;
- (3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners ; and
- (4) civil prisoners shall be kept apart from criminal prisoners.

**28. Association and segregation of prisoners.**—Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

**29. Solitary confinement.**—No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or Medical Subordinate.

**30. Prisoners under sentence of death.**—(1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailer and all articles shall be taken from him which the Jailer deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

## CHAPTER VI

## FOOD, CLOTHING AND BEDDING OF CIVIL AND UNCONVICTED CRIMINAL PRISONERS

**31. Maintenance of certain prisoners from private sources.**—A civil prisoner or an unconvicted criminal prisoner

shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessities, but subject to examination and to such rules as may be approved by the Inspector General.

**32. Restriction on transfer of food and clothing between certain prisoners.**—No part of any food, clothing, bedding or other necessities belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

**33. Supply of clothing and bedding to civil and unconvicted criminal prisoners.**—(1) Every civil prisoner and unconvicted prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner may be released.

## CHAPTER VII

### EMPLOYMENT OF PRISONERS

**34. Employment of civil prisoners.**—(1) Civil prisoners may, with the Superintendent's permission, work and follow any trade or profession.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

**35. Employment of criminal prisoners.**—(1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than nine hours in any one day.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

**36. Employment of criminal prisoners sentenced to simple imprisonment.**—Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

## CHAPTER VIII

### HEALTH OF PRISONERS

**37. Sick prisoners.**—(1) The names of prisoners desiring to see the Medical Subordinate or appearing out of health in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoners to the Jailer.

(2) The Jailer shall, without delay, call the attention of the Medical Subordinate to any prisoners desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written

directions given by the Medical Officer or Medical Subordinate respecting alterations of the discipline or treatment of any such prisoner.

**38. Record of directions of Medical Officers.**—All directions given by the Medical Officer or Medical Subordinate in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history-ticket or in such other record as the State Government may by rule direct, and the Jailer shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Jailer thinks fit to make, and the date of the entry.

**39. Hospital.**—In every prison an hospital or proper place for the reception of sick prisoners shall be provided.

#### CHAPTER IX

##### VISITS TO PRISONERS

**40. Visits to civil and unconvicted criminal prisoners.**—Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that so far as may be consistent with the interests of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person.

**41. Search of visitors.**—(1) The Jailer may demand the name and address of any visitor to prisoner, and, when the Jailer has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

(2) In case of any such visitor refusing to permit himself to be searched, the Jailer may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the State Government may direct.

#### CHAPTER X

##### OFFENCES IN RELATION TO PRISONS

**42. Penalty for introduction or removal of prohibited articles into or from prison and communication with prisoners.**—Whoever, contrary to any rule under section 1 [59] introduces or removes or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article,

and every officer of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison,

and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner,

and whoever abets any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

**43. Power to arrest for offence under section 42.**—When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a Police-officer, and thereupon such Police-officer shall proceed as if the offence had been committed in his presence.



**44. Publication of penalties.**—The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 42 and the penalties incurred by their commission.

## CHAPTER XI PRISON-OFFENCES

**45. Prison-offences.**—The following acts are declared to be prison-offences when committed by a prisoner:—

- (1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 to be a prison-offence ;
- (2) any assault or use of criminal force ;
- (3) the use of insulting or threatening language ;
- (4) immoral or indecent or disorderly behaviour;
- (5) wilfully disabling himself from labour;
- (6) contumaciously refusing to work;
- (7) filling, cutting, altering or removing handcuffs, fetters or bars without due authority ;
- (8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment ;
- (9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;
- (10) wilful damage to prison-property;
- (11) tampering with or defacing history-tickets, records or documents;
- (12) receiving, possessing or transferring any prohibited article;
- (13) feigning illness ;
- (14) wilfully bringing a false accusation against any officer or prisoner ;
- (15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison-official ; and
- (16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

**46. Punishment of such offences.**—The Superintendent may examine any person touching any such offence, and determine thereupon, and punish such offence by—

- (1) a formal warning :

Explanation.—A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment-book and on the prisoner's history-ticket ;

- (2) change of labour to some more irksome or severe form 2 [for such period as may be prescribed by rules made by the 3 [State Government]] ;
- (3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment ;
- (4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the 3 [State Government] ;
- (5) the substitution of gunny or other coarse fabric for clothing of other material, not being woollen, for a period which shall not exceed three months ;
- (6) imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the 3 [State Government] ;
- (7) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the 3 [State Government] ;
- (8) separate confinement for any period not exceeding 4 [three] months ;

Explanation.—Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners ; (9) penal diet,—that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the State Government :

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week;

(10) cellular confinement for any period not exceeding fourteen days :

Provided that after each period of cellular confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to cellular or solitary confinement. Explanation.—Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners ;

1 \* \* \* \* \*

2 [(11)] penal diet as defined in clause (9) combined with 3 [cellular] confinement 4 \*\*\*;

2 [(12)] whipping, provided that the number of stripes shall not exceed thirty: Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters, or to whipping.

**47. Plurality of punishment, under section 46.**— 5 [(1)] Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions, namely :—

(1) formal warning shall not be combined with any other punishment except loss of privileges under clause (4) of that section ;

(2) penal diet shall not be combined with change of labour under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with 6 [cellular] confinement ;

7 [(3)] cellular confinement shall not be combined with separate confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable ;]

(4) whipping shall not be combined with any other form of punishment except cellular 8 [and] separate confinement and loss of privileges admissible under the remission system ;

[(5) no punishment will be combined with any other punishment in contravention of rules made by the 2 [State Government]] 3

[(2) No punishment shall be awarded for any such offence so as to combine, with the punishment awarded for any other such offence two of the punishment which may not be awarded in combination for any such offence.]

**48. Award of punishments under sections 46 and 47.**—(1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections, subject, in the case of separate confinement for a period exceeding one month, to the previous confirmation of the Inspector General. (2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

**48-A. Punishment for breach of conditions of suspension of sentence.**—If any prisoner fails without sufficient cause to observe any of the conditions on which his sentence was suspended or remitted or furlough was granted to him, he shall be deemed to have committed a prison offence and the Superintendent may after obtaining his explanation, punish such offence by—

(1) a formal warning as provided in clause (1) of section 46; or

(2) Reduction in grade if such prisoner has been appointed as an officer of prison; or

(3) Loss of privileges admissible under the remission or furlough system; or

(4) Loss of such other privileges as the State Government may, by a general or special order direct

**49. Punishments to be in accordance with foregoing sections.**—Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing sections shall be inflicted on any prisoner, and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

**50. Medical Officer to certify to fitness of prisoner for punishment.**—(1) No punishment of penal diet, either singly or in combination, or of whipping, or of change of labour under section 46, clause (2), shall be executed

until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment-book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

**51. Entries in punishment-books.**—(1) In the punishment-book prescribed in section 12 there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison-offence of which he was guilty, the date on which such prison-offence was committed, the number of previous prison-offences recorded against the prisoner, and the date of his last prison-offence, the punishment awarded, and the date of infliction.

(2) In the case of every serious prison-offence, the names of the witnesses proving the offence shall be recorded, and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment the Jailor and Superintendent shall affix their initials as evidence of the correctness of the entries.

**52. Procedure on committal of heinous offence.**—If any prisoner is guilty of any offence against prison-discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or of any Magistrate of the first class 1 [or Presidency Magistrate] having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in section 46:

2 [Provided that any such case may be transferred for inquiry and trial by the District Magistrate to any Magistrate of the first class and by a Chief Presidency Magistrate to any other Presidency Magistrate : and]

Provided also that no person shall be punished twice for the same offence.

**53. Whipping.**—(1) No punishment of whipping shall be inflicted in instalments, or except in the presence of the Superintendent and Medical Officer or Medical Subordinate. (2) Whipping shall be inflicted with a light ratan not less than half an inch in diameter on the buttocks, and in case of prisoners under the age of sixteen it shall be inflicted, in the way of school discipline, with a lighter ratan.

**54. Offences by prison-subordinates.**—(1) Every Jailor or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison-duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

(2) No person shall under this section be punished twice for the same offence.

## CHAPTER XII MISCELLANEOUS

**55. Extramural custody, control and employment of prisoners.**—A prisoner, when being taken to or from any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer belonging to such person, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison.

**56. Confinement in irons.**—Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in

irons, he may, subject to such rules and instructions as may be laid down by the Inspector General with the sanction of the State Government, so confine them.

**57. Confinement of prisoners under sentence of transportation in irons.**—(1) Prisoners under sentence of transportation may, subject to any rules made under section 1 [59], be confined in fetters for the first three months after admission to prison.

(2) Should the Superintendent consider it necessary, either for the safe custody of the prisoner himself or for any other reason, that fetters should be retained on any such prisoner for more than three months, he shall apply to the Inspector General for sanction to their retention for the period for which he considers their retention necessary, and the Inspector General may sanction such retention accordingly.

**58. Prisoners not to be ironed by Jailer except under necessity.**—No prisoner shall be put in irons or under mechanical restraint by the Jailer of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

**59. Power to make rules.**—2 [(1)] 3 [The State Government may] 4 [by notification in the Official Gazette] make rules consistent with this Act—

- (1) defining the acts which shall constitute prison-offences ;
- (2) determining the classification of prison-offences into serious and minor offences;
- (3) fixing the punishments admissible under this Act which shall be awardable for commission of prison-offences or classes thereof ;
- (4) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code (45 of 1860) may or may not be dealt with as a prison offence ;
- (5) for the award of marks and the shortening of sentences ;
- (6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape ;
- (7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released ;
- 1 [(8) for the classification of prisons, and description and construction of wards, cells and other places of detention;
- (9) for the regulation by numbers, length or character of sentences, or otherwise, of the prisoners to be confined in each class of prisons;
- (10) for the government of prisons and for the appointment of all officers appointed under this Act;
- (11) as to the food, bedding and clothing of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;
- (12) for the employment, instruction and control of convicts within or without prisons;
- (13) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited;
- (14) for classifying and prescribing the forms of labour and regulating the periods of rest from labour; (15) for regulating the disposal of the proceeds of the employment of prisoners;
- (16) for regulating the confinement in fetters of prisoners sentenced to transportation;
- (17) for the classification and the separation of prisoners;
- (18) for regulating the confinement of convicted criminal prisoners under section 28;
- (19) for the preparation and maintenance of history-tickets;
- (20) for the selection and appointment of prisoners as officers of prisons;
- (21) for rewards for good conduct;
- (22) for regulating the transfer of prisoners whose term of transportation or imprisonment is about to expire subject, however, to the consent of the State Government of any other State to which a prisoner is to be transferred;
- (23) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons;
- (24) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends;
- (25) for the appointment and guidance of visitors of prisons;
- (26) for extending any or all of the provisions of this Act and of the rules thereunder to subsidiary jails or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1882 (10 of 1882), and to the officers employed, and the prisoners confined, therein;

(27) in regard to the admission, custody, employment, dieting, treatment and release of prisoners; and  
 (28) generally for carrying into effect the purposes of this Act.]

2 [(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the State Legislature.]

**60.** [Power of Local Government to make rules.] Rep. by the A. O. 1937.

**61. Exhibition of copies of rules.**—Copies of rules, under 4 [section 59] so far as they affect the government of prisons, shall be exhibited, both in English and in the Vernacular, in some place to which all persons employed within a prison have access.

**62. Exercise of powers of Superintendent and Medical Officer.**—All or any of the powers and duties conferred and imposed by this Act on a Superintendent or Medical Officer may in his absence be exercised and performed by such other officer as the State Government may appoint in this behalf either by name or by his official designation.

THE SCHEDULE.—[Enactments repealed.] Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and the Schedul

**Appendix-19**  
**The Prisoners Act, 1900**

**(ACT 3 OF 1900)**

**ARRANGEMENT OF SECTIONS**

**PART I**

**PRELIMINARY**

**SECTIONS**

1. Short title and extent.
2. Definitions.

**PART II**

**GENERAL**

3. Officers incharge of prisons to detain persons duly committed to their custody.
4. Officers incharge of prisons to return writs, etc., after execution or discharge.

**PART III**

**PRISONERS IN THE PRESIDENCY –TOWNS**

5. Warrants, etc., to be directed to Police-officers.
6. Power for State Government to appoint Superintendents of Presidency prisons.
7. Delivery of persons sentenced to imprisonment or death by High Court.
8. Delivery of persons sentenced to transportation by High Court.
9. Delivery persons committed by High Court in execution of a decree or for contempt.
10. Delivery of persons sentenced by Presidency Magistrates.
11. Delivery of persons committed for trial by High Court.
12. Custody pending hearing by High Court under section 350 of the Code of Civil Procedure of application for insolvency.
13. Delivery of persons arrested in pursuance of warrant of High Court of Civil Court in Presidency-town.

**PART IV**

**PRISONERS OUTSIDE THE PRESIDENCY TOWNS**

14. References in this Part to prisons etc., to be constructed as referring also in Reformation Schools.
15. Power of officers in charge of prisons to give effect to sentences of certain Courts.
16. Warrant of officer of such Court to be sufficient authority.
17. Procedure where officer in charge of prison double the legality of warrant sent to him for execution under this Part.
18. Execution in the States of certain capital sentences not ordinarily executable there.

**PART V**  
**PERSONS UNDER SENTENCE OF PENAL SERVITUDE**

19-27. (Repealed)

**PART VI**  
**REMOVAL OF PRISONERS**

- 28. References in this Part to prisons, etc., to be constructed as referring also to Reformatory Schools.
- 29. Removal of Prisoners.
- 30. Lunatic prisoners how to be dealt with.
- 31. (Repealed.)

**PART VII**  
**PERSONS UNDER SENTENCE OF TRANSPORTATION**

- 32. Appointment of places for confinement of persons under sentence of transportation and removal thereto.

**PART VIII**  
**DISCHARGE OF PRISONERS**

- 33. Release, on recognizance, by order of High Court, of prisoner recommended for pardon.

**PART IX**  
**PROVISIONS FOR REQUIRED THE ATTENDANCE OF PRISONERS AND OBTAINING THEIR EVIDENCE**

34-53. (Repealed.)

THE FIRST SCHEDULE – (Repealed.)  
THE SECOND SCHEDULE- (Repealed.)  
THE THIRD SCHEDULE- (Repealed.)

**STATEMENT OF OBJECTS AND REASONS**

The object of this Bill is merely to consolidate the several Acts relating to prisoners confined by order of a Court which are now to be found in different parts of the Statute-book, and so to replace a number of separate enactments by a single Act, expressed more simply and intelligibly.....”  
(Gazette of India, 1899, Pt. V. page 101.)

**SELECT COMMITTEE REPORT**

“We have adopted the suggestion of the Government of Bombay that sections 1 and 20 of the Prisoners Act, 1871 (V of 1891), should be entirely repealed and that all cases in Which persons sentenced in Native

States are to be imprisoned in British India should be dealt with under section 16 of the Act, as reproduced in clause 15 of the Bill. We agree with the local Government that, owing to the amendments made in S.16 of the Act of 1871 by the Prisoners Act (1871), Amendment Act, 1894 (VII of 1894 (VII of 1894), sec. 18 of the former Act has been in great measure superseded, and we think that, if power is conferred on the Local Government, as well as the Governor-General in Council, to sanction, under section 16 (clause 15 of the Bill), the reception of persons sentenced by the Courts of Native States in British Indian Jails, and if provision is made for the reception in such jails of persons sentenced by such Courts without obtaining a special sanction in each case when at least one Judge of the Court is a British officer the law will be simplified without being materially altered. We have therefore omitted clause 18 and 19 of the Bill as introduced, and recast the second part of sub-clause (1) of clause 15 so as to give effect to our proposals. These changes have necessitated certain consequential changes in sub-cl. (3) of clause 20 of the Bill as introduced (now sub-clause (3) of clause 18).

We have, on suggestion of the Government of Bengal, supplied what appears to us to be an obvious omission in the existing law by expanding the provisions of clause 39 of the Bill as introduced (now clause 37) so as to enable a Criminal Court inferior to that of a First Class Magistrate, to require, through the medium of the District Magistrate, the attendance of prisoners to give evidence or answer charges before it.

The same Local Government has pointed out that sub-clause (2) of clause 41 of the Bill as introduced (now clause 39) does not properly provide for the case of a prisoner confined with a Presidency-town whose removal for the purpose of giving evidence elsewhere is required. We have accordingly enlarged the sub-clause by providing that in such cases the orders for removal shall be sent to the Commissioner of Police.

Mr. Justice Knox of the Allahabad High Court has noticed that the Bill appears to be defective in that it makes no provision whereby a Criminal Court can require attendance of a prisoner confined in a prison situate beyond the local limits of the jurisdiction of the High Court to which such Criminal Court is subordinate for the purpose of answering a charge of an offence in that Court. Clause 39 of the Bill as introduced (now clause 37) is limited to cases in which the prisoner so charged is confined in some place within the limits of the jurisdiction of the High Court to which the Criminal Court is subordinate, while clause 42 only provides for the case of prisoners required to give evidence. To cure this defect we have inserted words in the latter clause (now clause 40) which will make it cover prisoners charged with offences.

It has been suggested that it would be desirable to make it clear how the custody of prisoners sent to Court either to give evidence or to answer a charge is to be provided for pending their return to their original prison.

(a) of clause 53 of the Bill as introduced (now clause 51).”

(Gazette of India, 1900 Pt. V.p 23.)



THE PRISONERS ACT, 1900  
(ACT NO. 3 OF 1900)

[2nd February, 1900.]

An Act to consolidate the law relating to Prisoners confined by order of a Court.

WHEREAS it is expedient to consolidate the law relating to prisoners confined by order of a Court; It is hereby enacted as follows:—

PART I  
PRELIMINARY

- 1. Short title and extent.**—(1) This Act may be called the Prisoners Act, 1900;  
<sup>1</sup>[(2) It extends to the whole of India except <sup>2</sup>[the territories which, immediately before the 1st November, 1956, were comprised in Part B States.] ]  
<sup>3</sup>[\*]  
<sup>3</sup>[3] \*\*\*\*\*]
- 2. Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—
- (a) “Court” includes a Coroner and any officer lawfully exercising civil, criminal or revenue jurisdiction; and
- (b) “prison” includes any place which has been declared by the <sup>4</sup>[State Government,] by general or special order, to be a subsidiary jail.
- <sup>5</sup>[(c) “States” means the territories to which this Act extends.]

PART II  
GENERAL

**3. Officers in charge of prisons to detain persons duly committed to their custody.**—The officer in charge of a prison shall receive and detain all persons duly committed to his custody, under this Act or otherwise, by any Court, according to the exigency of any writ, warrant or order by which such person has been committed, or until such person is discharged or removed in due course of law.

**4. Officers in charge of prisons to return writs, et, after execution or discharge.**—The officer in charge of a prison shall forthwith, after the execution of every such writ, order or warrant as aforesaid other than a warrant of commitment for trial, or after the discharge of the person committed thereby, return such writ, order or warrant to the Court by which the same was issued or made, together with a certificate, endorsed thereon and signed by him, showing how the same has been executed, or why the person committed him, showing how the same has been executed, or why the person committed thereby has been discharged from custody before the execution thereof.

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1. The Act has been amended in its application to—

- (1) C.P. and Berar by the C.P. and Berar Prisoners (Amendment) Act, 1939 (C.P. and Berar Act 4 of 1939).
- (2) Bihar by Bihar Act 23 of 1956.
- (3) Madras by Madras Act 11 of 1958.
- (4) Bombay by Bombay Act 15 of 1959 (when notified).
- (5) N.E.P.A. by Reg. 3 of 1960, s. 3 and the Schedule.

The Act has been extended to—

- (1) Whole of Madhya Pradesh by M.P. Act 23 of 1958 (when notified).
- (2) Goa, Daman and Diu by Reg. 11 of 1963, s. 3 and the Schedule.
- (3) Dadra and Nagar Haveli (w.e.f. 1-7-1965) by Reg. 6 of 1968, s. 2 and The First Schedule.
- (4) Lakshadweep (w.e.f. 1-10-1967): vide Reg. 8 of 1965, s. 3 and the Schedule.
- (5) Pondicherry by Act 26 of 1968, s. 3 and the Schedule. The Act has been rep. in Rajasthan by Raj. Act 39 of 1960.

## PART III

**PRISONERS IN THE PRESIDENCY-TOWNS**

**5. Warrants, etc., to be directed to Police officers.**—Every writ or warrant for the arrest of any person issued by the High Court in the exercise of its ordinary, extraordinary or other criminal jurisdiction shall be directed to and executed by a Police officer within the local limits of such jurisdiction.

**6. Power for <sup>1</sup>[State]Governments to appoint Superintendents of Presidency prisons.**—The <sup>1</sup>[State Government]may appoint officers who shall have authority to receive and detain prisoners committed to their custody under this part.

*Explanation.*—Any officer so appointed, by whatever designation he may be styled, is hereinafter referred to as “the Superintendent”.

**7. Delivery of persons sentenced to imprisonment or death by High Court.**—Where any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to imprisonment or to death, the Court shall cause him to be delivered to the Superintendent together with its warrant, and such warrant shall be executed by the Superintendent and returned by him to the High Court when executed.

**8. Delivery of persons sentenced to transportation by High Court.**—Where any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to transportation <sup>1</sup>[\*\*] the Court shall cause him to be delivered for intermediate custody to the Superintendent, and the transportation <sup>1</sup>[\*\*] of such person shall be deemed to commence from such delivery.

**9. Delivery of persons committed by High Court in execution of a decree or for contempt.**—Where any person is committed by the High Court, whether in execution of a decree or for contempt of Court or for any other cause, the Court shall cause him to be delivered to the Superintendent, together with its warrant of commitment.

**10. Delivery of persons sentenced by Presidency Magistrates.**—Where any person is sentenced by a Presidency Magistrate to imprisonment, or is committed to prison for failure to find security to keep the peace or to be of good behaviour, the Magistrate shall cause him to be delivered to the Superintendent, together with his warrant.

**11. Delivery of persons committed for trial by High Court.**—Every person committed by a Magistrate, <sup>1</sup>[or Justice of the Peace] for trial by the high Court in the exercise of its original criminal jurisdiction shall be delivered to the Superintendent, together with a warrant of commitment, directing the Superintendent to produce such person before the Court for trial; and the Superintendent shall, as soon as practicable, cause such person to be taken before the Court at a criminal session thereof, together with the warrant of commitment, in order that he may be dealt with according to law.

**12. Custody pending hearing by High Court under section 350 of the Code of Civil Procedure of application for insolvency.**—The High Court may, pending the hearing, under section 350 of the Code of Civil Procedure, of any application for a declaration of insolvency, cause the judgment-debtor concerned to be delivered to the Superintendent, subject to the provisions as to release on security of section 349 of the said Code, and the Superintendent shall detain the said judgment-debtor in safe custody until he is re-delivered to an officer of the High Court for the purpose of being taken before it in pursuance of its order, or until he is released in due course of law.

**13. Delivery of persons arrested in pursuance of warrant of High Court or Civil Court in Presidency-town.**—(1)Every person arrested in pursuance of a writ, warrant or order of the High Court in the exercise of its original civil jurisdiction, or in pursuance of a warrant of any Civil Court established in a Presidency-town under any law or enactment for the time being in force, or in pursuance of a warrant issued under section 5, shall be brought

without delay before the Court by which, or by a Judge of which, the writ, warrant or order was issued, awarded or made, or before a Judge thereof, if the said Court, or a Judge thereof is then sitting for the exercise of original jurisdiction.

(2) If the said Court, or a Judge thereof, is not then sitting for the exercise of original jurisdiction, such person arrested as aforesaid shall, unless a Judge of the said Court otherwise directs, be delivered to the Superintendent for intermediate custody, and shall be brought before the said Court, or a Judge thereof, at the next sitting of the said Court, or of a Judge thereof, for the exercise of original jurisdiction in order that such person may be dealt with according to law; and the said Court or Judge shall have power to make or award all necessary orders or warrants for that purpose.

#### PART IV

#### PRISONERS OUTSIDE THE PRESIDENCY-TOWNS

**14. References in this Part to prisons, etc., to be construed as referring also to Reformatory Schools.**—In this Part all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein.

<sup>1</sup>**[15. Power for officers in charge of prisons to give effect to sentences of certain Courts.**—(1) Officers in charge of prisons outside the Presidency towns may give effect to any sentence or order or warrant for the detention of any person passed or issued—

- (a) by any Court or tribunal acting, whether within or without the States under the general or special authority of the Central Government, or of any State Government, or of the Government of Burma, or by any Court or tribunal, which was before the commencement of the Constitution acting under the general or special authority of His Majesty, or of the Crown Representative; or
- (b) before the 26th January, 1950, by any Court or tribunal in any Indian State—
  - (i) if the presiding Judge, or if the Court or tribunal consisted of two or more Judges, at least one of the Judges, was an officer of the Crown authorised to sit as such Judge by the State or the Ruler thereof or by the Central Government or the Crown Representative; and
  - (ii) if the reception, detention or imprisonment in any Province of India of persons sentenced by any such Court or tribunal had been authorised by general or special order by the State Government :

<sup>2</sup> [ \* ]

<sup>2</sup> [ \*    \*\*    \*\* ]

Provided that effect shall not be given to any sentence or order or warrant for detention passed or issued by any Court or tribunal in Burma without the previous sanction of the State Government concerned.

(2) Where a Court or tribunal of such an Indian State as aforesaid had passed a sentence which could not have been executed without the concurrence of an officer of the Crown, and such sentence had been considered on the merits and confirmed by any such officer specially authorized that behalf, such sentence, and any order or warrant issued in pursuance thereof, shall be deemed to be the sentence, order or warrant issued in pursuance thereof, shall be deemed to be the sentence, order or warrant of a Court or tribunal acting under the authority of the Central Government or the Crown Representative.)

**16. Warrant of officer of such Court to be sufficient authority.**—A warrant under the official signature of an officer of such Court or tribunal as is referred to in section 15 shall be sufficient authority for holding any person in confinement, or for sending any person for transportation, in pursuance of the sentence passed upon him.

**17. Procedure where officer in charge of prison doubts the legality of warrant sent to him for execution under this Part.**—(1) Where an officer in charge of a prison doubts the legality of a warrant or order sent to him for execution under this Part, or the competency of the person whose official seal or signature is affixed thereto

to pass the sentence and issue the warrant or order, he shall refer the matter to the <sup>1</sup>[State Government], by whose order on the case he and all other public officers shall be guided as to the future disposal of the prisoner.

(2) Pending a reference made under sub-section (1), the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant or order.

**18. Execution in the States of certain capital sentences not ordinarily executable there.—**(1) Where a <sup>2</sup>[Court established by the authority of the Central Government] exercising, in or with respect to territory beyond the limits of the States, jurisdiction which <sup>3</sup>[the <sup>4</sup>[Central Government]] has in such territory,—

(a) has sentenced any person to death, and

(b) being of opinion that such sentence should, by reason of there being in such territory no secure place for the confinement of such person or no suitable appliances for his execution in a decent and humane manner, be executed in the States has issued its warrant for the execution of such sentence to the officer in charge of a prison in the States,

such officer shall, on receipt of the warrant, cause the execution to be carried out at such place as may be prescribed therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 381 of the Code of Criminal Procedure, 1898 (5 of 1898).

(2) The prisons of which the officers in charge are to execute sentences under any such warrants as aforesaid <sup>4</sup> [shall in each State be such as the State Government] may, by general or special order, direct.

<sup>5</sup>[(3) \* \* \* \* \*]

PART V.— [PERSONS UNDER SENTENCE OF PENAL SERVITUDE.] Omitted by the Criminal Law (Removal of Racial Discriminations) Act, 1949 (17 of 1949). s. 4.

19. [Persons under sentence of penal servitude how to be dealt with.] Omitted by s. 4, *ibid*.
20. [Enactments respecting persons under sentence of transportation or imprisonment with hard labour applied to persons under sentence of penal servitude.] Omitted by s. 4, *ibid*.
21. [Power to grant license to person sentenced to penal servitude.] Omitted by s. 4, *ibid*.
22. [Licensee to be allowed to go at large.] Omitted by s. 4 *ibid*.
23. [Apprehension of convict where license revoked.] Omitted by s. 4 *ibid*. 1. Subs. by the A.O.1948, for “British Court”. 2. Subs. by the A.O.1937, for “the G. G. in C.”. 3. Subs. by the A.O.1948, for “Crown”. 4. Subs. by the A.O. 1937, for “shall be such as the G. G. in C. or a L. G. authorized by the G. G. in C. in this behalf”. 5. Sub-section (3) and the proviso thereto omitted by the A.O. 1950.
24. [Execution of warrant.] Omitted by the Criminal Law (Removal of Racial Discriminations) Act,

1949 (17 of 1949). s. 4.

**25.** [Licensee when arrested to be brought up for recommitment]. Omitted by s. 4, *ibid.*

**26.** [Recommitment.] Omitted by s. 4, *ibid.*

**27.** [Penalty for breach of condition of the license.] Omitted by s. 4, *ibid.*

## PART VI

### REMOVAL OF PRISONERS

**28. References in this Part to prisons, etc., to be construed as referring also to Reformatory Schools.**—In this Part, all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein. 1

**[29. Removal of prisoners.**—(1) The 2 [State Government] may, by general or special order, provide for the removal of any prisoner confined in a prison—

(a) under sentence of death, or

(b) under, or in lieu of, a sentence of imprisonment or transportation, or

(c) in default of payment of a fine, or

(d) in default of giving security for keeping the peace or for maintaining good behavior, to any other prison in 3 [the State 4\*\*\*].

(2) 5 [Subject to the orders, and under the control, of the State Government] the Inspector-General of Prisons may, in like manner, provide for the removal of any prisoner confined as aforesaid in a prison in the State to any other prison in the State6 .]

**30. Lunatic prisoners how to be dealt with.**—(1) Where it appears to the State Government that any person detained or imprisoned under any order or sentence of any Court is of unsound mind, the State Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a lunatic asylum or other place of safe custody within the State, there to be kept and treated as the State Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to the State Government that the prisoner has become of sound mind, the State Government shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within the State, or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(3) The provisions of section 9 of the 7 Lunatic Asylums Act, 1858 (36 of 1858), shall apply to every person confined in a lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned, and the time during which a prisoner is confined in a lunatic asylum under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo.

<sup>1</sup> [(4) In any case in which the State Government is competent under sub-section (1) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the State, the State Government may order his removal to any such asylum or place within any other State or within <sup>2</sup> [any part of India to which this Act does not extend] by agreement with the State Government of such other State <sup>3</sup> \*\*\*; and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed under sub-section (1) shall, so far as they can be made applicable apply to a prisoner removed under this sub-section.]

31. *[Removal of prisoners from territories under one Local Government to territories under another.] Repealed by the Amending Act, 1903 (1 of 1903), s. 4 and the Third Schedule.*

#### PART V

#### [PERSONS UNDER SENTENCE OF PENAL SERVITUDE]

19-27. [Repealed by the Criminal Law (Removal of Racial Discriminations) Act, 1949), w.e.f.6-4-1949.]

#### PART VI

#### REMOVAL OF PRISONERS

**24. References in this Part to prisons, etc., to be construed as referring also to Reformatory Schools.**—In this Part, all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein.

<sup>1</sup> **[29. Removal of prisoners.**—(1) The <sup>2</sup>[State Government] may, by general or special order. provide for the removal of any prisoner confined in a prison—

- (a) under sentence of death, or
- (b) under, or in lieu of, a sentence of imprisonment or transportation, or
- (c) in default of payment of a fine, or
- (d) in default of giving security for keeping the peace or for maintaining good behavior, or any other prison in <sup>3</sup>[the State <sup>4</sup>\*\*\*].

(2) <sup>5</sup>[Subject to the orders, and under the control, of the <sup>6</sup>[State Government] the Inspector-General of Prisons may, in like manner, provide for the removal of any prisoner confined as aforesaid in a prison in the <sup>5</sup>[State] to any other prison in <sup>7</sup>[the State.] <sup>8</sup>\*\*\*].

**30. Lunatic prisoners how to be dealt with.**—(1) Where it appears to the <sup>1</sup>[State] Government that any person detained or imprisoned under any order or sentence of any Court is of unsound mind, the <sup>1</sup>[State] Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a lunatic asylum or other place of safe custody within the <sup>1</sup>[State], there to be kept and treated as the <sup>1</sup>[State] Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to the <sup>1</sup>[State] Government that the prisoner has become of sound mind, the State Government shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within the State, or, if the prisoner is no

1. Subs. by Act 1 of 1903, s.3 and the second Schedule for section 29.

2. Subs. by the A.O. 1937, for “G. G. in C.”.

3. Subs. by the A.O. 1937, for “British India or to any prison in Berar”. The words “or to any prison in Berar” had been added by Act 17 of 1923, s.2.

4. The words “or, with the consent of the State Government concerned, to any prison in any other State” omitted by Act 29 of 1950, s. 4.

5. Subs. by the A. O. 1937, for “The L. G., and (subject to its orders and under its control)”.

longer liable to be kept in custody, order him to be discharged.

(3) The provisions of section 9 of the Lunatic Asylums Act, 1858, shall apply to every person confined in a lunatic asylum under sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo.

<sup>2</sup>[(4) In any case in which the <sup>1</sup>[State] Government is competent under sub-section (1) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the State, the <sup>1</sup> [State] Government may order his removal to any such asylum or place within any other <sup>1</sup>[State] or within <sup>3</sup>[any part of India to which this Act does not extend] by agreement with the <sup>1</sup>[State] Government of such other <sup>1</sup>[State] <sup>4</sup>[\*\*\*]; and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed under sub-section (1) shall, so far as they can be made applicable apply to a prisoner removed under this sub-section.]

**31. Removal of prisoners from territories under one Local Government to territories under another.**—Repealed by the Amending Act, 1903 (1 of 1903).

#### PART VII

#### PERSONS UNDER SENTENCE OF TRANSPORTATION

**32. Appointment of places for confinement of persons under sentence of transportation and removal thereto.**— <sup>1</sup>[(1)] The <sup>2</sup>[State Government] may appoint places within <sup>3</sup>[the State] to which persons under sentence of transportation shall be sent; and the <sup>2</sup>[State Government], or some officer duly authorised in this behalf by the <sup>2</sup>[State Government], shall give orders for the removal of such persons to the places so appointed, except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence.

<sup>4</sup>[(2) In any case in which the <sup>2</sup>[State Government] is competent under sub-section (1) to appoint places within the <sup>5</sup>[States] and to order the removal thereto of persons under sentence of transportation, the <sup>2</sup>[State Government] may appoint such places in any other State by agreement with <sup>2</sup>[State Government] of that <sup>5</sup>[State], and may by like agreement give orders or duly authorise some officer to give orders for the removal thereto of such persons.]

#### PART VIII

#### DISCHARGE OF PRISONERS

**33. Release, on recognizance, by order of High Court, of prisoner recommended for pardon.**—<sup>1</sup>[Any High Court] may, in any case in which it has recommended to Government the granting of a free pardon to any prisoner, permit him to be at liberty on his own recognizance.

1. Subs. by Act 38 of 1920, s. 2 and the First Schedule, for sub-section (4).

2. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for “any Part B State”.

3. The words “or with such State or the Ruler thereof, as the case may be” omitted, *ibid.*

4. Section 32 was re-numbered as sub-section (1) of that section by Act 38 of 1920, s. 2 and the First Schedule.

5. Subs. by s. 2, and the First Schedule, Pt. I, *ibid.*, for G. G. in C.

6. Subs. by s. 2 and the First Schedule, Pt. I, *ibid.*, for “British India”.

#### EVIDENCE

53. **Repeals.** [ *Repealed by the Repealing and Amending Act, 1914 (10 of 1914),*]

***THE FIRST SCHEDULE***

*[Repealed by the Prisoners (Attendance in Courts) Act, 1955 (32 of 1955)]*

***THE SECOND SCHEDULE***

*[ Repealed vide Ibid]*

***THE THIRD SCHEDULE***

*[Repealed by the Repealing and Amending Act, 1914 (10 of 1914),*



**Appendix-20**  
**THE TRANSFER OF PRISONERS ACT, 1950**

**ACT NO. 29 OF 19501**

[12th April, 1950.]

An Act to provide for the removal from one State to another of persons confined in a prison.

BE it enacted by Parliament as follows:—

**1. Short title and extent.**—(1) This Act may be called the Transfer of Prisoners Act, 1950.

(2) It extends to the whole of India 2 \* \* \*.

**2. Definitions.**—In this Act,—

(a) “court” includes any officer lawfully exercising civil, criminal or revenue jurisdiction;

[(b) “Government” or “State Government”, in relation to a Part C State, means the administrator thereof;]

(c) “prison” includes any place which has been declared by State Government, by general or special order, to be a subsidiary jail

**3. Removal of prisoners from one State to another.**—(1) Where any person is confined in a prison in a State,—

(a) under sentence of death, or

(b) under, or in lieu of, a sentence of imprisonment or transportation, or

(c) in default of payment of a fine, or

(d) in default of giving security for keeping the peace or for maintaining good behaviour; the Government of that State may, with the consent of the Government of any other State, by order, provide for the removal of the prisoner from that prison to any prison in the other State.

(2) The officer in charge of the prison to which any person is removed under sub-section (1) shall receive and detain him, so far as may be, according to the exigency of any writ, warrant or order of the court by which such person has been committed, or until such person is discharged or removed in due course of law.

**4.** [Amendment of section 29, Act III of 1900.]—Rep. by the Repealing and Amending Act, 1957 (36 of 1957), s. 2 and Schedule I.

**Appendix-21****Prisoners [Attendance in Courts] Act [1955]**

*An Act to provide for the attendance in courts of persons confined in prisons  
for obtaining their evidence or for answering criminal charge.*

[20<sup>th</sup> September, 1955]

Be it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Prisoners [Attendance in Courts] Act, 1955.

(1) It extends to the whole of India.

(2) It shall come into force on such date<sup>2</sup> as the Central Government may, by notification in the official Gazette, appoint.

**1. Definitions.**—In this Act,—

(a) “Confinement in a prison” – references to confinement in a prison, by whatever form of words, include references to confinement or detention in a prison under any law providing for preventive detention,

(b) “Prison” includes—

- (i) any place which has been declared by the State Government, by general or special order, to be a subsidiary jail; or
- (ii) any reformatory, borstal institution or other institution of a like nature;

<sup>3</sup>(c) “State Government” in relation to a Union Territory, means the Administrator thereof.

**3. Power of Courts, to require appearance of prisoners to give evidence or answer a charge.**—(1) Any civil or criminal court may, if it thinks that the evidence of any person confined in any prison is material in any matter pending before it make an order in the form set forth in the First Schedule, directed to the officer-in-charge of the prison:

Provided that no civil court shall make an order under this sub-section, in respect of a person confined in a prison situated outside the State in which the court is held.

(2) Any criminal court may, if a charge of an offence against a person confined in any prison is made or pending before it, make an order in the form set forth in the Second Schedule, directed to the officer-in-charge of the prison.

(3) No order made under this section by a civil court which is subordinate to a District Judge shall have effect unless it is countersigned by the District Judge; and no order made under

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this section by a Criminal Court which is inferior to the Court of a Magistrate of the first class shall have effect unless it is countersigned by the District Magistrate to whom that court is subordinate or within the local limits of whose jurisdiction such Court is situate.

(4) For the purposes of sub-section (3), a Court of Small Causes outside a Presidency-town or city of Hyderabad shall be deemed to be subordinate to the District Judge within the local limits of whose jurisdiction such Court is situate.

**4. Power of State Government to exempt certain persons from operation of Section 3.**—(1) The State Government may, having regard to the matters specified in sub-section (2), by general or special order, direct that any person or class of persons shall not be removed from the prison in which he or they may be confined, and thereupon so long as any such order remains in force, the provisions of Section 3 shall not apply to such person or class of persons.

(2) Before making an order under sub-section (1), the State Government shall have regard to the following matters, namely:

- a) the nature of the offence for which or the grounds on which the confinement has been ordered in respect of the person or class of persons;
- b) the likelihood of the disturbance of public order if the person or class of persons if allowed to be removed from the prison;
- c) the public interest, generally.

**5. Prisoners to be brought up.**—Upon delivery of any order made under Section 3 to the officer-in-charge of the prison in which the person named there in confined, that officer shall cause him to be taken to the Court in which his attendance is required, so as to be present in the Court at the time in such order mentioned, and shall cause him to be detained in custody in or near the Court until he has been examined or until the Judge or presidency officer of the Court authorizes him to be taken back to the prison in which he was confined.

**6. Officer incharge of prison when to abstain from carrying out order.**—Where the person in respect of whom an order is made under Section 3—

- (a) is, in accordance with the rules made in this behalf, declared to be unfit to be removed from the prison where he is confined by reason of sickness or other infirmity; or
- (b) is under committal for trial; or
- (c) is under remand pending trial or pending a preliminary investigation; or

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1 Vide Punjab Act 25 of 1964, Sec. 2 and Schedule, Pt. II [w.e.f. 2nd October, 1964] & Act 31 of 1966, Sec. 88.

(d) is in custody for a period, which would expire before the expiration of the time required for removing him under this Act and for taking him back to the prison in which he is confined,

the officer-in-charge of the prison shall abstain from carrying out the order and shall send to the Court from which the order had been issued a statement of reasons for so abstaining:

Provided that such officer as aforesaid shall not so abstain where –

- (i) the order has been made by a Criminal Court; and
- (ii) the person named in the order is confined under committal for trial or under remand pending trial or pending a preliminary investigation and is not declared in accordance with the rules

made in this behalf to be unfit to be removed from the prison where he is confined by reason of sickness or other infirmity; and

- (iii) the place, where the evidence of the person named in the order is required, is not more than five miles distant from the prison in which he is confined.

**7. Commissions for examination of prisoners.** – In any of the following cases that is to say,–

- (a) where it appears to any Civil Court that the evidence of a person confined in a prison is material in any matter pending before it and that the attendance of such person in Court cannot be secured by reason of the provisions of Section 6 or of an order under Section 4 of the District Judge declining under sub-section (3) of Section 3 to countersign an order for removal; or
- (b) where it appears to any Civil Court as aforesaid that the evidence of a person confined in a prison, which is situated outside the State in which, or is more than fifty miles distant from the place at which, such court is held is material in any such matter,

the Court may, if it thinks fit, issue a commission under the provisions of the Code of Civil Procedure, 1908, for the examination of the person in the prison in which he is confined.

**8. Certain provisions of the Code of Criminal Procedure and the Code of Civil Procedure to apply.**—Save as otherwise provided in this Act and any rules made there under, the provisions of the Code of Civil Procedure, 1908, and the <sup>5</sup>[Code of Criminal Procedure, 1898] as the case may be, shall, so far as may be, apply in relation to the examination on commission or otherwise of any person confined in a prison as they apply in relation to the examination on commission of any other person.

**9. Power to make rules.** – (1) The State Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

- (2) In particular and without prejudice to the generality of the foregoing power such rules may provide for –
  - a) the procedure for obtaining the counter signature of an order made under Section 3;
  - b) the authority by whom and the manner in which a declaration that a person confined in prison is unfit to be removed there from may be made;
  - c) the conditions, including payment of costs and charges, subject to which an order made under Section 3 by a Civil Court may be executed;
  - d) the manner in which a process directed against any person confined in a prison issued from any court may be served upon him;
  - e) the escort of persons confined in a prison to and from courts in which their attendance is required and for their custody during the period of such attendance;

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<sup>5</sup> Now the Code of Criminal Procedure, 1973 [2 of 1974].

f) the amount to be allowed for the costs and charges of such enforcement of this Act;

g) the guidance of officers in all other matters connected with the enforcement of this Act.

**10. Repeal.**—(1) *Part IX of the Prisoners Act, 1900 and the First and Second Schedules to the said Act are hereby repealed.*

(2) If immediately before the commencement of this Act, there is in force in any part B State to which this Act extends any law corresponding to the provisions of this Act, that law shall, in so far as it relates to matter dealt with in this Act, stand repealed on such commencement:

Provided that anything done or any action taken under any such law shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to have effect accordingly, unless and until superseded by anything done or any action taken under this Act.

### **The First Schedule**

[See sub-section (1) of Section 3]

Court of .....

To the officer-incharge of the .....[State name of prison]

You are hereby required to produce, .....now confined in.....undersafe and sure conduct before the Court of .....at .....on the ..... day of..... next by .....of the clock in the forenoon of the same day, thereto give evidence in a matter now pending before the said Court, and after the said ..... has then and there given his evidence before the said Court or the said Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the prison.

The .....day of .....

A.B.

[Countersigned] C.D.

### **The Second Schedule**

[See sub-section (2) of Section 3]

Court of .....

To the officer-incharge of the .....[State name of prison]

You are hereby required to produce, .....now confined in .....under safe and sure conduct before the Court of .....at ....., on .....day of .....next by .....of the clock in the forenoon of the same day, there to answer a charge now pending before the said court, and after such charge has been disposed of or the said Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the prison.

The .....day of .....

A.B.

[Countersigned] C.D.

**Appendix-22****THE JAMMU AND KASHMIR /PUBLIC SAFETY ACT, 1978.****Act No. VI of 1978.**

**\*For latest version, refer *Union territory of Ladakh Reorganisation (Adaptation of State Laws) Order 2020( S.O. 3775 (E)) dated 23.10.2020.***

*[8th April, 1978.]*

Whereas it is necessary in the interest of the security of the State and Public order to make law providing for the measures hereinafter appearing.

Now, therefore, it is enacted by the Jammu and Kashmir State Legislature in the Twenty-nine Year of the Republic of India as follows:—

**CHAPTER I****Preliminary**

1. **Short title and extent.**—(1) This Act may be called the Jammu and Kashmir Public Safety Act, 1978.

(2) It extends to the whole of Jammu and Kashmir State.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

(1) “the code” means the code of Criminal Procedure, Samvat 1989;

(2) “notified” and “notification” means notified and notification respectively in the Government Gazette.

**Chapter II****Access to certain premises and areas.**

3. **Prohibited places.**—(1) If as respects any place the Government considers it necessary or expedient that special precautions should be taken to prevent the entry of unauthorised persons, the Government may, by notified order, declare that place to be a prohibited place.

(2) No person shall, without the permission of the Government or the authority specified by the Government, enter or be on or in, or pass over, or loiter in vicinity of, any prohibited place.

(3) Where in pursuance of sub-section (2) any person is granted permission to enter , or to be on or in , or to pass over, a prohibited place , that person shall , while acting under such permission , comply with such order for regulating his conduct as may be given by the Government or the authority specified by the Government.

(4) Any police Officer, or any other person authorised in this behalf by the Government, may search any person entering or seeking to enter or being on or in, or leaving a prohibited place, and any vehicle, aircraft or article brought in by such person, and may, for the purpose of the search, detain such person, vehicle, aircraft and article :

Provided that no female shall be searched in pursuance of this sub- section except by a female.

(5) If any person is in a prohibited place in contravention of this section then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any Police Officer not below the rank of a Sub- Inspector or by any other person authorized in this behalf by the Government.

(6) If any person is in a prohibited place in contravention of any of the provisions of this section he shall be punishable with imprisonment for a term which may extend to one month, or with fine, or with both.

**4. Protected areas.**—(1) If the Government considers it necessary or expedient in the interests of the defence or security of the State to regulate the entry of persons into any area, it may by a notified order declare the area to be a protected area and thereupon, for so long as the order is in force, such area shall be a protected area for the purposes of this Act.

(2) The Government or the authority specified by the Government may regulate the entry of any person into a protected area.

(3) If any person is in a protected area in contravention of the provisions of any order passed under this section then, without prejudice to any other proceedings which may be taken against him he may be removed there from by or under the direction of any Police Officer not below the rank of a Sub-Inspector.

(4) If any person is in a protected area in contravention of any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to two months, or with fine, or with both.

**5. Forcing or evading a guard.**—Any person who effects or attempts to effect entry into a prohibited place or a protected area after taking precautions to conceal his entry or attempted

entry from any person posted for the purpose of protecting or preventing or controlling access to such place or area shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

### CHAPTER III

#### **Maintenance of communal and regional harmony.**

**6. Power to prohibit circulation within the State or entry into the State of certain documents.**—(1) The Government, or any authority authorised by it in this behalf, if satisfied that such action is necessary for the purposes of preventing or combating any activity prejudicial to the maintenance of communal or sectarian, or regional harmony affecting or likely to affect public order, may, by notified order, regulate, or restrict the circulation within the state, or prohibit or restrict the importation into the State, of any document :

Provided that no such order shall remain in force for more than three months from the making thereof unless before the expiry of such period and in case the High Court does not otherwise direct, the Government, by an order made in the like manner, extend it by any period not exceeding three months at a time as it thinks fit, so, however, that the total period of the original order does not exceed one year :

Provided further that a person aggrieved by such order may, within ten days of the passing thereof, make a representation to the Government which may on consideration confirm, modify or rescind the order within 21 days of the making of the representation after giving the aggrieved party an opportunity of being heard :

Provided also that in such the representation is rejected by the Government, the aggrieved person may within a period of two months from the date of the order rejecting the representation apply to the High Court to set aside such order. Every such application shall be heard and determined by a special Bench of the High Court composed of three Judges.

(2) Any person who contravenes an order made under this section shall be punishable with imprisonment for a term which may extend to three months or with fine, or with both.

(3) In the event of disobedience of an order made under sub-section (1) the Government or the authority issuing the order, may, without prejudice to the penalty to which the person guilty of the disobedience is liable under sub-section (2) order the seizure of all copies of any such document.



7. **Removal of doubts.**—For the removal of doubts it is hereby declared that the restriction imposed by section 6 on the rights conferred by clause (1) of Article 19 of the Constitution of India shall be deemed to be reasonable restrictions.

#### CHAPTER IV

##### Power to make orders detaining certain persons.

8. **Detention of certain persons.**—(1) The Government may.
- (a) if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to—
    - (i) the security of the State or the maintenance of the public order ; or
    - [(ii) Omitted].
  - 2. [(a-1) if satisfied with respect to any person that with a view to preventing him from—
    - (i) smuggling timber, or
    - (ii) abetting the smuggling of timber, or
    - (iii) engaging in transporting or concealing or keeping smuggled timber, or
    - (iv) dealing the smuggled timber otherwise than by engaging in transporting or concealing or keeping in smuggled timber, or
    - (v) harboring persons engaged in smuggling of timber or abetting the smuggling of timber; or]
  - (b) if satisfied with respect of such person who is—
    - (i) a foreigner within the meaning of the Foreigners Act,
    - (ii) a person residing in the area of the State under the occupation of Pakistan, that with a view to regulating his continued presence in the State or with a view to making arrangements for his expulsion from the State, it is necessary so to do, make an order directing that such person be detained.
  - (2) any of the following officers, namely :—
    - (i) Divisional Commissioners,
    - (ii) District Magistrate,
- May, if satisfied as provided in sub-clauses (I) and (ii) of clauses [(a) or (a-1)] of sub-section (1), exercise the powers conferred by the said sub- section.
- (3) for the purposes of sub- section (1),
- [(a) Omitted.]
  - (b) “acting in any manner prejudicial to the maintenance of public order” means—
    - (i) promoting, propagating, or attempting to create, feelings of enmity or hatred or disharmony on ground of religion, rate, caste, community, or region;
    - (ii) making preparations for using, or attempting to use, or using, or instigating, inciting, provoking or otherwise abetting the use of force where such preparation, using, attempting, instigating, inciting, provoking or abetting, disturbs or is likely to disturb public order;
    - (iii) attempting to commit, or committing, or instigating, inciting, provoking or otherwise abetting the commission of, mischief within the meaning of section 425 of the Ranbir Penal Code where the commission of such mischief disturbs, or is likely to disturb public order;

- (iv) attempting to commit, or committing, or instigating, inciting, provoking or otherwise abetting the commission of an offence punishable with death or imprisonment for life or imprisonment of a term extending to seven years or more, where the commission of such offence disturbs, or is likely to disturb public order;

[(c) “smuggling” in relation to timber means possessing or carrying of illicit timber and includes any act which will render the timber liable to confiscation under Forest Act, Samvat 1987;

(d) “timber” means timber of Fir, Kail, Chir or deodar tree whether in logs or cut up in pieces but does not include firewood.]

(4) When any order is made under this section by an officer mentioned in sub-section (2), he shall forthwith report the fact to the Government together with the grounds on which the order has been made and such other particulars, as in his opinion have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof unless in the meantime it has been approved by the Government.

**9. Execution of detention orders.**—A detention order may be executed at any place in the manner provided for the execution of warrants of arrest under the Code.

**10. Power to regulate place and conditions of detention.**—Any person in respect of whom a detention order has been made under section 8 shall be liable—

- (a) to be detained in such place and under such conditions including conditions as to the maintenance of discipline and punishment for breaches of discipline as the Government may, by general or special order, specify; and
- (b) to be removed from one place of detention to another place of detention in the State by order of the Government.

**[10-A. Grounds of detention severable.**—Where a person has been detained in pursuance of an order of detention under section 8 which has been made on two or more grounds, such order of detention shall be deemed to have been made separately on each of such grounds and accordingly—

- (a) such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds is or are—
  - (i) Vague,
  - (ii) not-existent,
  - (iii) not relevant,
  - (iv) not connected or not proximately connected with such person, or
  - (v) invalid for any other reasons whatsoever, and it is not, therefore, possible to hold that the Government or officer making such order would have been

satisfied as provided in section 8 with reference to the remaining ground or grounds and made the order of detention;

- (b) the Government or officer making the order of detention shall be deemed to have made the order of detention under the said section after being satisfied as provided in that section with reference to the remaining ground or grounds.]

11. **Detention orders not to be in valid or inoperative on certain grounds.**—No detention order shall be invalid or inoperative merely on the ground,—

- (a) that the person to be detained there under is outside the limits of the territorial jurisdiction of the officer making the order ; or
- (b) that the place of detention of such person is outside the said limits.

12. **Powers in relation to absconding persons.**—If the Government, or an officer specified in sub-section (2) of section 8, as the case may be, has reason to believe that a person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed, the Government or the officer may—

- (a) make a report in writing of the fact to a Magistrate of the First Class having jurisdiction in the place where the said person ordinarily resides, and thereupon the provisions of sections 87, 88 and 89 of the Code shall apply in respect of the said person and property as if the order directing that he be detained were a warrant issued by the Magistrate;
- (b) by notified order direct the said person to appear before such officer, at such place and within such period as may be specified in the order, and if the said person fails to comply with such direction, he shall, unless he proves that it was not possible for him to comply therewith and that he had within the period specified in the order, informed the officer mentioned in the order of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to [one year] or with fine or with both.

13. **Grounds of order of detention to be disclosed to persons affected by the order.**—

(1) When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, [but ordinarily not later than five days and in exceptional circumstances and for reasons to be recorded in writing, not later than ten days from the date of detention] communicate to him grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order to the Government.

(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

14. **Constitution of Advisory Board.**—(1) This Government shall, whenever necessary, constitute an advisory Board for the purposes of this Act.

(2) Such Board shall consist of a chairman, who is or has been a Judge of the High Court, and two other members who are, or have been, or are qualified to be appointed as judges of the High Court.

(3) The Chairman and the other members of the Board shall be appointed by the Government in consultation with the Chief Justice of the High Court.

**15. Reference to Advisory board.**—In every case where a detention order has been made under this Act, the Government shall, within four weeks [from the date of detention under the order] place before the Advisory Board constituted by it under section 14, the grounds on which the order has been made, the representation, if any, made by the person affected by order and in case where the order has been made by an officer, also report by such officer under sub-section (4) of section 8.

**16. Procedure of Advisory Board.**—(1) The Advisory Board shall, after considering the material placed before it and, after calling for such further information as it may deem necessary from the Government or from the person called for the purpose through the Government or from the person concerned and if in any particular case it considers it essential so to do or, if the person concerned desires to be heard, after hearing him in person, submit its report to the Government within eight weeks from the date of detention.

(2) **Notwithstanding anything contained in sub-section.**—(1) the Board may, if the person detained so demands, at any time before submitting its report, after affording an opportunity to the person detained and the Government or the officer, as the case may be, of being heard, determine whether the disclosure of facts, not disclosed under sub-section;

(2) of section 13 to the person detained, is or is not against public interest. Such finding of the Board shall be binding on the Government.

(3) The report of the Advisory Board shall specify in a separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for the detention of the person concerned

(4) When there is a difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board.

(5) Nothing in this section shall entitle any person against whom a detention order has been made to appear by any legal practitioner in any matter connected with the reference to the Advisory Board and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential.

**17. Action upon report of Advisory Board.**—(1) In any case where the Advisory Board has reported that there is in its opinion sufficient cause for the detention of a person, the

Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit.

(2) In any case where the Advisory Board has reported that there is, in its opinion, no sufficient cause for the detention of the person concerned, the Government shall revoke the detention order and cause the person to be released forthwith.

**18. Maximum period of detention.**—(1) The maximum period for which any person may be detained in pursuance of any detention order which has been confirmed under section 17, shall be—

- (a) twelve months from the date of detention in the case of persons acting in any manner prejudicial to the maintenance of public order or indulging in smuggling of timber; and
- (b) two years from the date of detention in the case of persons acting in any manner prejudicial to the security of the State.

(2) Nothing contained in this section shall affect the powers of the Government to revoke or modify the detention order at any earlier time, or to extend the period of detention of a foreigner in case his expulsion from the State as not been made possible.]

**19. Revocation of detention orders.**—(1) Without prejudice to the provisions of section 21 of the General Clauses Act, Samvat 1977, a detention order may at any time be revoked or modified by the Government notwithstanding that the order has been made by any officer mentioned in sub-section (2) of section 8.

(2) There shall be no bar to making of a fresh order of detention against a person on the same facts as an earlier order of detention made against such person in any case where—

- (i) the earlier order of detention or its continuance is not legal on account of and technical defect; or
- (ii) the earlier order of detention has been revoked by reason of any apprehension, or for avoiding any challenge that such order or its continuance is not legal on account of any technical defect :

Provided that in computing the maximum period for which a person against whom such fresh order of detention has been issued may be detained, the period during which such person was under the earlier order of detention shall be excluded.

**20. Temporary release of persons detained,**—(1) The Government may at any time order that a person detained in pursuance of detention order may be released for any specified

period either without conditions or upon such conditions specified in the direction as that person accepts and may at any time cancel his release.

(2) In directing the release of any person under sub-section, (1), the Government may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.

(3) Any person released under sub-section (1) shall surrender himself at the time and place and to the authority, specified in the order directing his release or cancelling his release as the case may be.

(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3) he shall be punishable with imprisonment for a term which may extend to [two years] or with fine, or with both.

(5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to the penalty thereof.

(6) The period of release shall not count towards the total period of detention undergone by the person released under this section.]

## CHAPTER V

### Miscellaneous

**21. Cognizance of offences under this Act.**—(1) No Court shall take cognizance of any offence under this Act except on a report in writing made by a public servant.

(2) Notwithstanding anything contained in the Second Schedule to the Code, offences under this Act shall be cognizable and non-bailable.

**22. Protection of action taken under this Act.**—No suit, prosecution or any other legal proceeding shall lie against any person for anything done or intended to be done in good faith in pursuance of the provisions of this Act.

**23. Power to make rules.**—The Government may, by notification, make such rules consistent with the provisions of this Act, as may be necessary for carrying out the objects of this Act.

**24. Repeal and saving.**—(1) The Jammu and Kashmir/**Ladakh** Public Safety Ordinance, 1977 is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken (including any rule or order made) under the said Ordinance shall, so far as consistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

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**Appendix-23****THE NATIONAL SECURITY ACT, 1980**

(65 of 1980)

[27<sup>th</sup> December, 1980]

An Act to provide for preventive detention in certain cases and for matters connected therewith.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows: —

**1. Short title and extent.**—(1) This Act may be called the National Security Act, 1980.

(2) It extends to the whole of India<sup>1\*\*\*..</sup>

**2. Definitions.** — (1) In this Act, unless the context otherwise requires—

- (a) “appropriate Government” means, as respects a detention order made by the Central Government or a person detained under such order, the Central Government, and as respects a detention order made by a State Government or by an officer subordinate to a State Government or as respects a person detained under such order, the State Government ;
- (b) “detention order” means an order made under section 3 ;
- (c) “foreigner” has the same meaning as the Foreigners Act, 1946; (31 of 1946) ;
- (d) “person” includes a foreigner ;
- (e) “State Government”, in relation to a Union territory, means the administrator thereof.

**3. Power to make orders detaining certain persons.**— (1) The Central Government or the State Government may—

- (a) if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the defence of India, the relations of India with foreign powers, or the security of India, or
  - (b) if satisfied with respect to any foreigner that with a view to regulating his continued presence in India or with a view to making arrangements for his expulsion from India,
- it is necessary so to do, make an order directing that such person be detained.

(2) The Central Government or the State Government may, if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the security of the State or from acting in any manner prejudicial to the maintenance of Public order or from acting in any manner prejudicial to the maintenance of supplies and services essential to the community it is necessary so to do, make an order directing that such person be detained.



*Explanation.*—For the purposes of this sub-section, “acting in any manner prejudicial to the maintenance of supplies and services essential to the community” does not include “acting in any manner prejudicial to the maintenance of supplies of commodities essential to the community” as defined in the Explanation to sub-section (1) of section 3 of the Prevention of Black-marketing and Maintenance of Supplies of Essential Commodities Act, 1980, and accordingly, no order of detention shall be made under this Act on any ground on which an order of detention may be made under that Act.

(3) If, having regard to the circumstances prevailing or likely to prevail in any area within the local limits of the jurisdiction of a District Magistrate or a Commissioner of Police, the State Government is satisfied that it is necessary so to do, it may, by order in writing, direct, that during such period as may be specified in the order, such District Magistrate or Commissioner of Police may also, if satisfied as provided in sub-section (2), exercise the powers conferred by the said sub-section :

Provided that the period specified in an order made by the State Government under this sub-section shall not, in the first instance, exceed three months, but the State Government may, if satisfied as aforesaid that it is necessary so to do, amend such order to extend such period from time to time by any period not exceeding three months at any one time.

(4) When any order is made under this section by an officer mentioned in sub-section (3), he shall forthwith report the fact to the State Government to which he is subordinate together with the grounds on which the order has been made and such other particulars as, in his opinion, have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof unless, in the meantime, it has been approved by the State Government :

Provided that where under section 8 the grounds of detention are communicated by the officer making the order after five days but not later than ten days from the date of detention, this sub-section shall apply subject to the modification that, for the words “twelve days”, the words “fifteen days” shall be substituted.

(5) When any order is made or approved by the State Government under this section, the State Government shall, within seven days, report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as, in the opinion of the State Government, have a bearing on the necessity for the order.

**4. Execution of detention orders.**—A detention order may be executed any place in India in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1973 (2 of 1974).

**5. Power to regulate place and conditions of detention.**—Every person in respect of whom a detention order has been made shall be liable—

- (a) to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the appropriate Government may, by general or special order, specify ;and
- (b) to be removed from one place of detention to another place of detention, whether within the

same State or in another State, by order of the appropriate Government :

Provided that no order shall be made by State Government under clause (b) for the removal of a person from one State to another State except with the consent of the Government of that other State.

**6. Detention orders not to be invalid or inoperative on certain grounds.**—No detention order shall be invalid or inoperative merely by reason-

- (a) that the person to be detained there under is outside the limits of the territorial jurisdiction of the Government or officer making the order, or
- (b) that the place of detention of such person is outside the said limits.

**7. Powers in relation to absconding persons.** (1) If the Central Government or the State Government or an officer mentioned in sub-section (3) of section 3, as the case may be, has reason to believe that a person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed, that Government or officer may—

- (a) make a report in writing of the fact to a Metropolitan Magistrate or a Judicial Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides;
- (b) by order notified in the Official Gazette direct the said person to appear before such officer, at such place and within such period as may be specified in the order.

(2) Upon the making of a report against any person under clause (a) of sub-section (1), the provisions of sections 82, 83, 84 and 85 of the Code of Criminal Procedure, 1973, (2 of 1974), shall apply in respect of such person and his property as if the detention order made against him were a warrant issued by the Magistrate.

(3) If any person fails to comply with an order issued under clause (b) of sub-section (1), he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer mentioned in the order of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence under sub-section (3) shall be cognizable

**8. Grounds of order of detention to be disclosed to persons affected by the order.**—(1) When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but ordinarily not later than five days and in exceptional circumstances and for reasons to be recorded in writing, not later than ten days from the date of detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the appropriate Government.

(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

**9. Constitution of Advisory Boards.**—(1) The Central Government and each State Government shall, whenever necessary, constitute one or more Advisory Boards for the purposes of this Act.

(2) Every such Board shall consist of three persons who are, or have been, or are qualified to be appointed as, Judges of a High Court, and such persons shall be appointed by the appropriate Government.

(3) The appropriate Government shall appoint one of the members of the Advisory Board who is, or has been, a Judge of a High Court to be its Chairman, and in the case of a Union territory, the appointment to the Advisory Board of any person who is a Judge of the High Court of a State shall be with the previous approval of the State Government concerned.

**10. Reference to Advisory Boards.**—Save as otherwise expressly provided in this Act, in every case where a detention order has been made under this Act, the appropriate Government shall, within three weeks from the date of detention of a person under the order, place before the Advisory Board constituted by it under section 9, the grounds on which the order has been made and the representation, if any, made by the person affected by the order, and in case where the order has been made by an officer mentioned in sub-section (3) of section 3, also the report by such officer under sub-section (4) of that section.

**11. Procedure of Advisory Boards.**—(1) The Advisory Board shall, after considering the materials placed before it and, after calling for such further information as it may deem necessary from the appropriate Government or from any person called for the purpose through the appropriate Government or from the person concerned, and if, in any particular case, it considers it essential so to do or if the person concerned desires to be heard, after hearing him in person, submit its report to the appropriate Government within seven weeks from the date of detention of the person concerned.

(2) The report of the Advisory Board shall specify in a separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for the detention of the person concerned.

(3) When there is a difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board.

(4) Nothing in this section shall entitle any person against whom a detention order has been made to appear by any legal practitioner in any matter connected with the reference to the Advisory Board; and the proceedings of the Advisory Board and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential.

**12. Action upon the report of the Advisory Board.** (1) In any case where the Advisory Board has reported that there is, in its opinion, sufficient cause for the detention of a person, the appropriate Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit.

(2) In any case where the Advisory Board has reported that there is, in its opinion, no sufficient cause for the detention of a person, the appropriate Government shall revoke the detention order and cause the person concerned to be released forthwith.

**13. Maximum period of detention.**—The maximum period for which any person may be detained in

pursuance of any detention order which has been confirmed under section 12 shall be twelve months from the date of detention :

Provided that nothing contained in this section shall affect the power of the appropriate Government to revoke or modify the detention order at any earlier time.

**14. Revocation of detention orders.**— (1) Without prejudice to the provisions of section 21 of the General Clauses Act, 1897, (10 of 1897) a detention order may, at any time, be revoked or modified,—

- (a) notwithstanding that the order has been made by an officer mentioned in sub-section (3) of section 3, by the State Government to which that officer is subordinate or by the Central Government;
- (b) notwithstanding that the order has been made by a State Government, by the Central Government.

(2) The revocation or expiry of a detention order shall not bar the making of a fresh detention order under section 3 against the same person in any case where fresh facts have arisen after the date of revocation or expiry on which the Central Government or a State Government or an officer mentioned in sub-section (3) of section 3, as the case may be, is satisfied that such an order should be made.

**15. Temporary release of persons detained.**—(1) The appropriate Government may, at any time, direct that any person detained in pursuance of a detention order may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may, at any time, cancel his release.

(2) In directing the release of any person under sub-section (1), the appropriate Government may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.

(3) Any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof.

**16. Protection of action taken in good faith.**—No suit or other legal proceeding shall lie against the Central Government or a State Government, and no suit, prosecution or Government or a State Government, and no suit, prosecution or other legal proceeding shall lie against any person, for anything in good faith done or intended to be done in pursuance of this Act.

**17. Act not to have effect with respect to detentions under State laws.**—(1) Nothing in this Act shall apply or have any effect with respect to orders of detention, made under any State law, which are in force immediately before the commencement of the National Security Ordinance, 1980, and accordingly every person in respect of whom an order of detention made under any State law is in force immediately before such

commencement, shall be governed with respect to such detention by the provisions of such State law or where the State law under which such order of detention is made is an Ordinance (hereinafter referred to as the State Ordinance) promulgated by the Governor of that State and the State Ordinance has been replaced—

- (i) before such commencement, by an enactment passed by the Legislature of that State, by such enactment; or
- (ii) after such commencement, by an enactment which is passed by the Legislature of that State and the application of which is confined to orders of detention made before such commencement under the State Ordinance, by such enactment as if this Act had not been enacted.

(2) Nothing in this section shall be deemed to bar the making under section 3, of a detention order against any person referred to in sub-section (1) after the detention order in force in respect of him as aforesaid immediately before the commencement of the National Security Ordinance, 1980 ceases to have effect for any reason whatsoever.

*Explanation.*—For the purposes of this section, “State law” means any law providing for preventive detention on all or any of the grounds on which an order of detention may be made sub-section (2) of section 3 and in force in any State immediately before the commencement of the said Ordinance.

**18. Repeal and saving.**—(1) The National Security Ordinance, 1980, (11 of 1980) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act had come into force on the 23rd day of September, 1980, and, in particular, any reference made under section 10 of the said Ordinance and pending before any Advisory Board immediately before the date on which this Act receives the assent of the President may continue to be dealt with by that Board after that date as if such Board had been constituted under section 9 of this Act.

**By the order of the Lieutenant Governor**